

1 DIVISION K—TRANSPORTATION, HOUSING AND  
2 URBAN DEVELOPMENT, AND RELATED  
3 AGENCIES APPROPRIATIONS ACT, 2008

4 TITLE I

5 DEPARTMENT OF TRANSPORTATION

6 OFFICE OF THE SECRETARY

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of the Secretary,  
9 \$91,782,000, of which not to exceed \$2,310,000 shall be  
10 available for the immediate Office of the Secretary; not  
11 to exceed \$730,000 shall be available for the immediate  
12 Office of the Deputy Secretary; not to exceed \$18,720,000  
13 shall be available for the Office of the General Counsel;  
14 not to exceed \$9,874,000 shall be available for the Office  
15 of the Under Secretary of Transportation for Policy; not  
16 to exceed \$9,417,000 shall be available for the Office of  
17 the Assistant Secretary for Budget and Programs; not to  
18 exceed \$2,383,000 shall be available for the Office of the  
19 Assistant Secretary for Governmental Affairs; not to ex-  
20 ceed \$23,750,000 shall be available for the Office of the  
21 Assistant Secretary for Administration; not to exceed  
22 \$1,986,000 shall be available for the Office of Public Af-  
23 fairs; not to exceed \$1,516,000 shall be available for the  
24 Office of the Executive Secretariat; not to exceed  
25 \$1,335,000 shall be available for the Office of Small and

1 Disadvantaged Business Utilization; not to exceed  
2 \$7,874,000 for the Office of Intelligence, Security, and  
3 Emergency Response; and not to exceed \$11,887,000 shall  
4 be available for the Office of the Chief Information Offi-  
5 cer: *Provided*, That the Secretary of Transportation is au-  
6 thorized to transfer funds appropriated for any office of  
7 the Office of the Secretary to any other office of the Office  
8 of the Secretary: *Provided further*, That no appropriation  
9 for any office shall be increased or decreased by more than  
10 5 percent by all such transfers: *Provided further*, That no-  
11 tice of any change in funding greater than 5 percent shall  
12 be submitted for approval to the House and Senate Com-  
13 mittees on Appropriations: *Provided further*, That not to  
14 exceed \$60,000 shall be for allocation within the Depart-  
15 ment for official reception and representation expenses as  
16 the Secretary may determine: *Provided further*, That not-  
17 withstanding any other provision of law, excluding fees au-  
18 thorized in Public Law 107-71, there may be credited to  
19 this appropriation up to \$2,500,000 in funds received in  
20 user fees: *Provided further*, That none of the funds pro-  
21 vided in this Act shall be available for the position of As-  
22 sistant Secretary for Public Affairs.

23 OFFICE OF CIVIL RIGHTS

24 For necessary expenses of the Office of Civil Rights,  
25 \$9,140,900.

1           TRANSPORTATION PLANNING, RESEARCH, AND

2   DEVELOPMENT

3           For necessary expenses for conducting transportation  
4 planning, research, systems development, development ac-  
5 tivities, and making grants, to remain available until ex-  
6 pended, \$13,883,900.

7   WORKING CAPITAL FUND

8           Necessary expenses for operating costs and capital  
9 outlays of the Working Capital Fund, not to exceed  
10 \$128,094,000, shall be paid from appropriations made  
11 available to the Department of Transportation: *Provided*,  
12 That such services shall be provided on a competitive basis  
13 to entities within the Department of Transportation: *Pro-*  
14 *vided further*, That the above limitation on operating ex-  
15 penses shall not apply to non-DOT entities: *Provided fur-*  
16 *ther*, That no funds appropriated in this Act to an agency  
17 of the Department shall be transferred to the Working  
18 Capital Fund without the approval of the agency modal  
19 administrator: *Provided further*, That no assessments may  
20 be levied against any program, budget activity, subactivity  
21 or project funded by this Act unless notice of such assess-  
22 ments and the basis therefor are presented to the House  
23 and Senate Committees on Appropriations and are ap-  
24 proved by such Committees.

## 1 MINORITY BUSINESS RESOURCE CENTER PROGRAM

2 For the cost of guaranteed loans, \$370,000, as au-  
3 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-  
4 cluding the cost of modifying such loans, shall be as de-  
5 fined in section 502 of the Congressional Budget Act of  
6 1974: *Provided further*, That these funds are available to  
7 subsidize total loan principal, any part of which is to be  
8 guaranteed, not to exceed \$18,367,000. In addition, for  
9 administrative expenses to carry out the guaranteed loan  
10 program, \$523,000.

## 11 MINORITY BUSINESS OUTREACH

12 For necessary expenses of Minority Business Re-  
13 source Center outreach activities, \$2,970,000, to remain  
14 available until September 30, 2009: *Provided*, That not-  
15 withstanding 49 U.S.C. 332, these funds may be used for  
16 business opportunities related to any mode of transpor-  
17 tation.

## 18 PAYMENTS TO AIR CARRIERS

19 (AIRPORT AND AIRWAY TRUST FUND)

20 (INCLUDING TRANSFER OF FUNDS)

21 In addition to funds made available from any other  
22 source to carry out the essential air service program under  
23 49 U.S.C. 41731 through 41742, \$60,000,000, to be de-  
24 rived from the Airport and Airway Trust Fund, to remain  
25 available until expended: *Provided*, That, in determining  
26 between or among carriers competing to provide service

1 to a community, the Secretary may consider the relative  
2 subsidy requirements of the carriers: *Provided further,*  
3 That, if the funds under this heading are insufficient to  
4 meet the costs of the essential air service program in the  
5 current fiscal year, the Secretary shall transfer such sums  
6 as may be necessary to carry out the essential air service  
7 program from any available amounts appropriated to or  
8 directly administered by the Office of the Secretary for  
9 such fiscal year.

10 COMPENSATION FOR AIR CARRIERS

11 (RESCISSION)

12 Of the remaining unobligated balances under section  
13 101(a)(2) of Public Law 107-42, \$22,000,000 are re-  
14 scinded.

15 ADMINISTRATIVE PROVISIONS—OFFICE OF THE

16 SECRETARY OF TRANSPORTATION

17 SEC. 101. The Secretary of Transportation is author-  
18 ized to transfer the unexpended balances available for the  
19 bonding assistance program from “Office of the Secretary,  
20 Salaries and expenses” to “Minority Business Outreach”.

21 SEC. 102. None of the funds made available in this  
22 Act to the Department of Transportation may be obligated  
23 for the Office of the Secretary of Transportation to ap-  
24 prove assessments or reimbursable agreements pertaining  
25 to funds appropriated to the modal administrations in this  
26 Act, except for activities underway on the date of enact-

1 ment of this Act, unless such assessments or agreements  
2 have completed the normal reprogramming process for  
3 Congressional notification.

4 SEC. 103. None of the funds made available under  
5 this Act may be obligated or expended to establish or im-  
6 plement a program under which essential air service com-  
7 munities are required to assume subsidy costs commonly  
8 referred to as the EAS local participation program.

9 FEDERAL AVIATION ADMINISTRATION  
10 OPERATIONS  
11 (AIRPORT AND AIRWAY TRUST FUND)

12 For necessary expenses of the Federal Aviation Ad-  
13 ministration, not otherwise provided for, including oper-  
14 ations and research activities related to commercial space  
15 transportation, administrative expenses for research and  
16 development, establishment of air navigation facilities, the  
17 operation (including leasing) and maintenance of aircraft,  
18 subsidizing the cost of aeronautical charts and maps sold  
19 to the public, lease or purchase of passenger motor vehi-  
20 cles for replacement only, in addition to amounts made  
21 available by Public Law 108-176, \$8,740,000,000, of  
22 which \$6,397,060,900 shall be derived from the Airport  
23 and Airway Trust Fund, of which not to exceed  
24 \$6,969,638,000 shall be available for air traffic organiza-  
25 tion activities; not to exceed \$1,082,602,000 shall be avail-  
26 able for aviation safety activities; not to exceed

1 \$12,549,000 shall be available for commercial space trans-  
2 portation activities; not to exceed \$100,593,000 shall be  
3 available for financial services activities; not to exceed  
4 \$91,214,000 shall be available for human resources pro-  
5 gram activities; not to exceed \$286,848,000 shall be avail-  
6 able for region and center operations and regional coordi-  
7 nation activities; not to exceed \$162,351,000 shall be  
8 available for staff offices; and not to exceed \$38,650,000  
9 shall be available for information services: *Provided, That*  
10 not to exceed 2 percent of any budget activity, except for  
11 aviation safety budget activity, may be transferred to any  
12 budget activity under this heading: *Provided further, That*  
13 no transfer may increase or decrease any appropriation  
14 by more than 2 percent: *Provided further, That* any trans-  
15 fer in excess of 2 percent shall be treated as a reprogram-  
16 ming of funds under section 405 of this Act and shall not  
17 be available for obligation or expenditure except in compli-  
18 ance with the procedures set forth in that section: *Pro-*  
19 *vided further, That* the Secretary utilize not less than  
20 \$6,000,000 of the funds provided for aviation safety ac-  
21 tivities to pay for staff increases in the Office of Aviation  
22 Flight Standards and the Office of Aircraft Certification:  
23 *Provided further, That* not later than March 31 of each  
24 fiscal year hereafter, the Administrator of the Federal  
25 Aviation Administration shall transmit to Congress an an-

1 nual update to the report submitted to Congress in De-  
2 cember 2004 pursuant to section 221 of Public Law 108-  
3 176: *Provided further*, That the amount herein appro-  
4 priated shall be reduced by \$100,000 for each day after  
5 March 31 that such report has not been submitted to the  
6 Congress: *Provided further*, That funds may be used to  
7 enter into a grant agreement with a nonprofit standard-  
8 setting organization to assist in the development of avia-  
9 tion safety standards: *Provided further*, That none of the  
10 funds in this Act shall be available for new applicants for  
11 the second career training program: *Provided further*,  
12 That none of the funds in this Act shall be available for  
13 the Federal Aviation Administration to finalize or imple-  
14 ment any regulation that would promulgate new aviation  
15 user fees not specifically authorized by law after the date  
16 of the enactment of this Act: *Provided further*, That there  
17 may be credited to this appropriation funds received from  
18 States, counties, municipalities, foreign authorities, other  
19 public authorities, and private sources, for expenses in-  
20 curred in the provision of agency services, including re-  
21 ceipts for the maintenance and operation of air navigation  
22 facilities, and for issuance, renewal or modification of cer-  
23 tificates, including airman, aircraft, and repair station cer-  
24 tificates, or for tests related thereto, or for processing  
25 major repair or alteration forms: *Provided further*, That



1 of the funds appropriated under this heading, not less  
2 than \$8,500,000 shall be for the contract tower cost-shar-  
3 ing program: *Provided further*, That none of the funds in  
4 this Act shall be available for paying premium pay under  
5 5 U.S.C. 5546(a) to any Federal Aviation Administration  
6 employee unless such employee actually performed work  
7 during the time corresponding to such premium pay: *Pro-*  
8 *vided further*, That none of the funds in this Act for aero-  
9 nautical charting and cartography are available for activi-  
10 ties conducted by, or coordinated through, the Working  
11 Capital Fund: *Provided further*, That none of the funds  
12 in this Act may be obligated or expended for an employee  
13 of the Federal Aviation Administration to purchase a store  
14 gift card or gift certificate through use of a Government-  
15 issued credit card.

16 FACILITIES AND EQUIPMENT

17 (AIRPORT AND AIRWAY TRUST FUND)

18 For necessary expenses, not otherwise provided for,  
19 for acquisition, establishment, technical support services,  
20 improvement by contract or purchase, and hire of air navi-  
21 gation and experimental facilities and equipment, as au-  
22 thorized under part A of subtitle VII of title 49, United  
23 States Code, including initial acquisition of necessary sites  
24 by lease or grant; engineering and service testing, includ-  
25 ing construction of test facilities and acquisition of nec-  
26 essary sites by lease or grant; construction and furnishing

1 of quarters and related accommodations for officers and  
2 employees of the Federal Aviation Administration sta-  
3 tioned at remote localities where such accommodations are  
4 not available; and the purchase, lease, or transfer of air-  
5 craft from funds available under this heading, including  
6 aircraft for aviation regulation and certification; to be de-  
7 rived from the Airport and Airway Trust Fund,  
8 \$2,513,611,000, of which \$2,053,638,000 shall remain  
9 available until September 30, 2010, and of which  
10 \$459,973,000 shall remain available until September 30,  
11 2008: *Provided*, That there may be credited to this appro-  
12 priation funds received from States, counties, municipali-  
13 ties, other public authorities, and private sources, for ex-  
14 penses incurred in the establishment and modernization  
15 of air navigation facilities: *Provided further*, That upon ini-  
16 tial submission to the Congress of the fiscal year 2009  
17 President's budget, the Secretary of Transportation shall  
18 transmit to the Congress a comprehensive capital invest-  
19 ment plan for the Federal Aviation Administration which  
20 includes funding for each budget line item for fiscal years  
21 2009 through 2013, with total funding for each year of  
22 the plan constrained to the funding targets for those years  
23 as estimated and approved by the Office of Management  
24 and Budget.

1 RESEARCH, ENGINEERING, AND DEVELOPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,  
4 for research, engineering, and development, as authorized  
5 under part A of subtitle VII of title 49, United States  
6 Code, including construction of experimental facilities and  
7 acquisition of necessary sites by lease or grant,  
8 ~~\$146,848,000~~, to be derived from the Airport and Airway  
9 Trust Fund and to remain available until September 30,  
10 2010: *Provided*, That there may be credited to this appro-  
11 priation as offsetting collections, funds received from  
12 States, counties, municipalities, other public authorities,  
13 and private sources, which shall be available for expenses  
14 incurred for research, engineering, and development.

\$146,828,100

15 GRANTS-IN-AID FOR AIRPORTS

16 (LIQUIDATION OF CONTRACT AUTHORIZATION)

17 (LIMITATION ON OBLIGATIONS)

18 (AIRPORT AND AIRWAY TRUST FUND)

19 For liquidation of obligations incurred for grants-in-  
20 aid for airport planning and development, and noise com-  
21 patibility planning and programs as authorized under sub-  
22 chapter I of chapter 471 and subchapter I of chapter 475  
23 of title 49, United States Code, and under other law au-  
24 thorizing such obligations; for procurement, installation,  
25 and commissioning of runway incursion prevention devices  
26 and systems at airports of such title; for grants authorized

1 under section 41743 of title 49, United States Code; and  
2 for inspection activities and administration of airport safe-  
3 ty programs, including those related to airport operating  
4 certificates under section 44706 of title 49, United States  
5 Code, \$4,399,000,000 to be derived from the Airport and  
6 Airway Trust Fund and to remain available until ex-  
7 pended: *Provided*, That none of the funds under this head-  
8 ing shall be available for the planning or execution of pro-  
9 grams the obligations for which are in excess of  
10 \$3,514,500,000 in fiscal year 2008, notwithstanding sec-  
11 tion 47117(g) of title 49, United States Code: *Provided*  
12 *further*, That none of the funds under this heading shall  
13 be available for the replacement of baggage conveyor sys-  
14 tems, reconfiguration of terminal baggage areas, or other  
15 airport improvements that are necessary to install bulk ex-  
16 plosive detection systems: *Provided further*, That notwith-  
17 standing any other provision of law, of funds limited under  
18 this heading, not more than \$80,676,000 shall be obli-  
19 gated for administration, not less than \$10,000,000 shall  
20 be available for the airport cooperative research program,  
21 not less than \$18,712,000 shall be for Airport Technology  
22 Research and \$10,000,000, to remain available until ex-  
23 pended, shall be available and transferred to "Office of  
24 the Secretary, Salaries and Expenses" to carry out the  
25 Small Community Air Service Development Program.

1 (RESCISSION)

2 Of the amounts authorized under sections 48103 and  
3 48112 of title 49, United States Code, \$185,500,000 is  
4 rescinded from amounts authorized for fiscal year ending (the  
5 September 30, 2007 and prior years; and \$85,000,000 is  
6 rescinded from amounts authorized for fiscal year ending (the  
7 September 30, 2008.

8 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

9 ADMINISTRATION

10 SEC. 110. None of the funds in this Act may be used  
11 to compensate in excess of 425 technical staff-years under  
12 the federally funded research and development center con-  
13 tract between the Federal Aviation Administration and the  
14 Center for Advanced Aviation Systems Development dur-  
15 ing fiscal year 2008.

16 SEC. 111. None of the funds in this Act shall be used  
17 to pursue or adopt guidelines or regulations requiring air-  
18 port sponsors to provide to the Federal Aviation Adminis-  
19 tration without cost building construction, maintenance,  
20 utilities and expenses, or space in airport sponsor-owned  
21 buildings for services relating to air traffic control, air  
22 navigation, or weather reporting: *Provided*, That the pro-  
23 hibition of funds in this section does not apply to negotia-  
24 tions between the agency and airport sponsors to achieve  
25 agreement on “below-market” rates for these items or to  
26 grant assurances that require airport sponsors to provide

1 land without cost to the FAA for air traffic control facili-  
2 ties.

3 SEC. 112. The Administrator of the Federal Aviation  
4 Administration may reimburse amounts made available to  
5 satisfy 49 U.S.C. 41742(a)(1) from fees credited under  
6 49 U.S.C. 45303: *Provided*, That during fiscal year 2008,  
7 49 U.S.C. 41742(b) shall not apply, and any amount re-  
8 maining in such account at the close of that fiscal year  
9 may be made available to satisfy section 41742(a)(1) for  
10 the subsequent fiscal year.

11 SEC. 113. Amounts collected under section 40113(e)  
12 of title 49, United States Code, shall be credited to the  
13 appropriation current at the time of collection, to be  
14 merged with and available for the same purposes of such  
15 appropriation.

16 SEC. 114. (a) Section 44302(f)(1) of title 49, United  
17 States Code, is amended by striking "2006," each place  
18 it appears and inserting "2008,".

19 (b) Section 44303(b) of such title is amended by  
20 striking "2006," and inserting "2008,".

21 SEC. 115. None of the funds appropriated or limited  
22 by this Act may be used to change weight restrictions or  
23 prior permission rules at Teterboro airport in Teterboro,  
24 New Jersey.

1 SEC. 116. EXTENSION OF TAXES AND EXPENDITURE  
2 AUTHORITY RELATING TO AIRPORT AND AIRWAY TRUST  
3 FUND. (a) FUEL TAXES.—Subparagraph (B) of section  
4 4081(d)(2) of the Internal Revenue Code of 1986 is  
5 amended by striking “September 30, 2007” and inserting  
6 “February 29, 2008”.

7 (b) TICKET TAXES.—


8 (1) PERSONS.—Clause (ii) of section  
9 4261(j)(1)(A) of such Code is amended by striking  
10 “September 30, 2007” and inserting “February 29,  
11 2008”.

12 (2) PROPERTY.—Clause (ii) of section  
13 4271(d)(1)(A) of such Code is amended by striking  
14 “September 30, 2007” and inserting “February 29,  
15 2008”.

16 (c) AIRPORT AND AIRWAY TRUST FUND EXPENDI-  
17 TURE AUTHORITY.—

18 (1) IN GENERAL.—Paragraph (1) of section  
19 9502(d) of such Code is amended—

20 (A) by striking “October 1, 2007” and in-  
21 serting “March 1, 2008”, and

22 (B) by inserting “or the \_\_\_\_\_ Act   
23 ~~2007~~” in subparagraph (A) before the semi-  
24 colon at the end.

Department of  
Transportation  
Appropriations

2008

1           (2) CONFORMING AMENDMENT.—Paragraph (2)  
2       of section 9502(f) of such Code is amended by strik-  
3       ing “October 1, 2007” and inserting “March 1,  
4       2008”.

5       (d) EFFECTIVE DATE.—The amendments made by  
6       this section shall take effect on October 1, 2007.

7       SEC. 117. LABOR INTEGRATION. (a) LABOR INTE-  
8       GRATION.—With respect to any covered transaction in-  
9       volving two or more covered air carriers that results in  
10      the combination of crafts or classes that are subject to  
11      the Railway Labor Act (45 U.S.C. 151 et seq.), sections  
12      3 and 13 of the labor protective provisions imposed by the  
13      Civil Aeronautics Board in the Allegheny-Mohawk merger  
14      (as published at 59 C.A.B. 45) shall apply to the integra-  
15      tion of covered employees of the covered air carriers; ex-  
16      cept that—

17           (1) if the same collective bargaining agent rep-  
18      resents the combining crafts or classes at each of the  
19      covered air carriers, that collective bargaining  
20      agent’s internal policies regarding integration, if  
21      any, will not be affected by and will supersede the  
22      requirements of this section; and

23           (2) the requirements of any collective bar-  
24      gaining agreement that may be applicable to the  
25      terms of integration involving covered employees of



1 a covered air carrier shall not be affected by the re-  
2 quirements of this section as to the employees cov-  
3 ered by that agreement, so long as those provisions  
4 allow for the protections afforded by sections 3 and  
5 13 of the Allegheny-Mohawk provisions.

6 (b) DEFINITIONS.—In this section, the following defi-  
7 nitions apply:

8 (1) AIR CARRIER.—The term “air carrier”  
9 means an air carrier that holds a certificate issued  
10 under chapter 411 of title 49, United States Code.

11 (2) COVERED AIR CARRIER.—The term “cov-  
12 ered air carrier” means an air carrier that is in-  
13 volved in a covered transaction.

14 (3) COVERED EMPLOYEE.—The term “covered  
15 employee” means an employee who—

16 (A) is not a temporary employee; and

17 (B) is a member of a craft or class that is  
18 subject to the Railway Labor Act (45 U.S.C.  
19 151 et seq.).

20 (4) COVERED TRANSACTION.—The term “cov-  
21 ered transaction” means—

22 (A) a transaction for the combination of  
23 multiple air carriers into a single air carrier;  
24 and which

1 (B) involves the transfer of ownership or  
2 control of—

3 (i) 50 percent or more of the equity  
4 securities (as defined in section 101 of title  
5 11, United States Code) of an air carrier;  
6 or

7 (ii) 50 percent or more (by value) of  
8 the assets of the air carrier.

9 (c) APPLICATION.—This section shall not apply to  
10 any covered transaction involving a covered air carrier  
11 that took place before the date of enactment of this Act.

12 (d) EFFECTIVENESS OF PROVISION.—This section  
13 shall become effective on the date of enactment of this  
14 Act and shall continue in effect in fiscal years after fiscal  
15 year 2008.

16 FEDERAL HIGHWAY ADMINISTRATION

17 LIMITATION ON ADMINISTRATIVE EXPENSES

18 Not to exceed \$377,556,000, together with advances  
19 and reimbursements received by the Federal Highway Ad-  
20 ministration, shall be paid in accordance with law from  
21 appropriations made available by this Act to the Federal  
22 Highway Administration for necessary expenses for ad-  
23 ministration and operation.

1 FEDERAL-AID HIGHWAYS

2 (LIMITATION ON OBLIGATIONS)

3 (HIGHWAY TRUST FUND)

4 (INCLUDING TRANSFER OF FUNDS)

5 None of the funds in this Act shall be available for  
6 the implementation or execution of programs, the obliga-  
7 tions for which are in excess of \$40,216,051,359 for Fed-  
8 eral-aid highways and highway safety construction pro-  
9 grams for fiscal year 2008: *Provided*, That within the  
10 \$40,216,051,359 obligation limitation on Federal-aid  
11 highways and highway safety construction programs, not  
12 more than \$429,800,000 shall be available for the imple-  
13 mentation or execution of programs for transportation re-  
14 search (chapter 5 of title 23, United States Code; sections  
15 111, 5505, and 5506 of title 49, United States Code; and  
16 title 5 of Public Law 109-59) for fiscal year 2008: *Pro-*  
17 *vided further*, That this limitation on transportation re-  
18 search programs shall not apply to any authority pre-  
19 viously made available for obligation: *Provided further*,  
20 That the Secretary may, as authorized by section 605(b)  
21 of title 23, United States Code, collect and spend fees to  
22 cover the costs of services of expert firms, including coun-  
23 sel, in the field of municipal and project finance to assist  
24 in the underwriting and servicing of Federal credit instru-  
25 ments and all or a portion of the costs to the Federal Gov-  
26 ernment of servicing such credit instruments: *Provided*

1 *further*, That such fees are available until expended to pay  
2 for such costs: *Provided further*, That such amounts are  
3 in addition to administrative expenses that are also avail-  
4 able for such purpose, and are not subject to any obliga-  
5 tion limitation or the limitation on administrative expenses  
6 under section 608 of title 23, United States Code.

7 (ADDITIONAL OBLIGATION LIMITATION)

8 (HIGHWAY TRUST FUND)

9 For an additional amount of obligation limitation to  
10 be distributed for the purpose of section 144(e) of title  
11 23, United States Code, \$1,000,000,000: *Provided*, That  
12 such obligation limitation shall be used only for a purpose  
13 eligible for obligation with funds apportioned under such  
14 section and shall be distributed in accordance with the for-  
15 mula in such section: *Provided further*, That such obliga-  
16 tion limitation shall remain available for a period of three  
17 fiscal years and shall be in addition to the amount of any  
18 limitation imposed on obligations for Federal-aid highway  
19 and highway safety construction programs for future fiscal  
20 years: *Provided further*, That in distributing obligation au-  
21 thority under this paragraph, the Secretary shall ensure  
22 that such obligation limitation shall supplement and not  
23 supplant each State's planned obligations for such pur-  
24 poses.

1 (LIQUIDATION OF CONTRACT AUTHORIZATION)

2 (HIGHWAY TRUST FUND)

3 For carrying out the provisions of title 23, United  
4 States Code, that are attributable to Federal-aid high-  
5 ways, not otherwise provided, including reimbursement for  
6 sums expended pursuant to the provisions of 23 U.S.C.  
7 308, \$41,955,051,359 or so much thereof as may be avail-  
8 able in and derived from the Highway Trust Fund (other  
9 than the Mass Transit Account), to remain available until  
10 expended.

11 (RESCISSION)

12 (HIGHWAY TRUST FUND)

13 Of the unobligated balances of funds apportioned to  
14 each State under chapter 1 of title 23, United States  
15 Code, \$3,150,000,000 are rescinded: *Provided*, That such  
16 rescission shall not apply to the funds distributed in ac-  
17 cordance with sections 130(f) and 104(b)(5) of title 23,  
18 United States Code; sections 133(d)(1) and 163 of such  
19 title, as in effect on the day before the date of enactment  
20 of Public Law 109-59; and the first sentence of section  
21 133(d)(3)(A) of such title.

22 I-35W BRIDGE REPAIR AND RECONSTRUCTION

23 For necessary expenses to carry out the project for  
24 repair and reconstruction of the Interstate 35W bridge lo-  
25 cated in Minneapolis, Minnesota, that collapsed on August  
26 1, 2007, as authorized under section 1(c) of Public Law

1 110-56, up to \$195,000,000, as documented by the Min-  
2 nesota Department of Transportation to remain available  
3 until expended: *Provided*, That the amount provided under  
4 this heading is designated as described in section 5 (in  
5 the matter preceding division A of this consolidated Act):  
6 *Provided further*, That the Federal share of the costs of  
7 any project funded using amounts made available under  
8 this section shall be 100 percent in accordance with sec-  
9 tion 1(b) of Public Law 110-56.

10 APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

11 For necessary expenses for West Virginia corridor H  
12 of the Appalachian Development Highway System as au-  
13 thorized under section 1069(y) of Public Law 102-240,  
14 as amended, \$15,680,000, to remain available until ex-  
15 pended.

16 DELTA REGIONAL TRANSPORTATION DEVELOPMENT

17 PROGRAM

18 For necessary expenses for the Delta Regional Trans-  
19 portation Development Program as authorized under sec-  
20 tion 1308 of Public Law 109-59, \$14,014,000, to remain  
21 available until expended.

22 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

23 ADMINISTRATION

24 (INCLUDING RESCISSIONS)

25 SEC. 120. (a) For fiscal year 2008, the Secretary of  
26 Transportation shall—

1           (1) not distribute from the obligation limitation  
2       for Federal-aid highways amounts authorized for ad-  
3       ministrative expenses and programs by section  
4       104(a) of title 23, United States Code; programs  
5       funded from the administrative takedown authorized  
6       by section 104(a)(1) of title 23, United States Code  
7       (as in effect on the date before the date of enact-  
8       ment of the Safe, Accountable, Flexible, Efficient  
9       Transportation Equity Act: A Legacy for Users); the  
10      highway use tax evasion program; the programs,  
11      projects and activities funded by the set aside au-  
12      thorized by section 129 of this Act; the Bureau of  
13      Transportation Statistics; and additional obligation  
14      limitation provided in this Act for the purpose of  
15      section 144(e) of title 23, United States Code;

16          (2) not distribute an amount from the obliga-  
17      tion limitation for Federal-aid highways that is equal  
18      to the unobligated balance of amounts made avail-  
19      able from the Highway Trust Fund (other than the  
20      Mass Transit Account) for Federal-aid highways and  
21      highway safety programs for previous fiscal years  
22      the funds for which are allocated by the Secretary;

23          (3) determine the ratio that—

24              (A) the obligation limitation for Federal-  
25      aid highways, less the aggregate of amounts not

1 distributed under paragraphs (1) and (2), bears  
2 to

3 (B) the total of the sums authorized to be  
4 appropriated for Federal-aid highways and  
5 highway safety construction programs (other  
6 than sums authorized to be appropriated for  
7 provisions of law described in paragraphs (1)  
8 through (9) of subsection (b) and sums author-  
9 ized to be appropriated for section 105 of title  
10 23, United States Code, equal to the amount  
11 referred to in subsection (b)(10) for such fiscal  
12 year), less the aggregate of the amounts not  
13 distributed under paragraphs (1) and (2) of  
14 this subsection;

15 (4)(A) distribute the obligation limitation for  
16 Federal-aid highways, less the aggregate amounts  
17 not distributed under paragraphs (1) and (2), for  
18 sections 1301, 1302, and 1934 of the Safe, Account-  
19 able, Flexible, Efficient Transportation Equity Act:  
20 A Legacy for Users; sections 117 (but individually  
21 for each project numbered 1 through 3676 listed in  
22 the table contained in section 1702 of the Safe, Ac-  
23 countable, Flexible, Efficient Transportation Equity  
24 Act: A Legacy for Users) and 144(g) of title 23,  
25 United States Code; and section 14501 of title 40,



1 United States Code, so that the amount of obliga-  
2 tion authority available for each of such sections is  
3 equal to the amount determined by multiplying the  
4 ratio determined under paragraph (3) by the sums  
5 authorized to be appropriated for that section for  
6 the fiscal year; and

7 (B) distribute \$2,000,000,000 for section 105  
8 of title 23, United States Code;

9 (5) distribute the obligation limitation provided  
10 for Federal-aid highways, less the aggregate  
11 amounts not distributed under paragraphs (1) and  
12 (2) and amounts distributed under paragraph (4),  
13 for each of the programs that are allocated by the  
14 Secretary under the Safe, Accountable, Flexible, Ef-  
15 ficient Transportation Equity Act: A Legacy for  
16 Users and title 23, United States Code (other than  
17 to programs to which paragraphs (1) and (4) apply),  
18 by multiplying the ratio determined under paragraph  
19 (3) by the amounts authorized to be appropriated  
20 for each such program for such fiscal year; and

21 (6) distribute the obligation limitation provided  
22 for Federal-aid highways, less the aggregate  
23 amounts not distributed under paragraphs (1) and  
24 (2) and amounts distributed under paragraphs (4)  
25 and (5), for Federal-aid highways and highway safe-

1       ty construction programs (other than the amounts  
2       apportioned for the equity bonus program, but only  
3       to the extent that the amounts apportioned for the  
4       equity bonus program for the fiscal year are greater  
5       than \$2,639,000,000, and the Appalachian develop-  
6       ment highway system program) that are apportioned  
7       by the Secretary under the Safe, Accountable, Flexi-  
8       ble, Efficient Transportation Equity Act: A Legacy  
9       for Users and title 23, United States Code, in the  
10      ratio that—

11               (A) amounts authorized to be appropriated  
12               for such programs that are apportioned to each  
13               State for such fiscal year, bear to

14               (B) the total of the amounts authorized to  
15               be appropriated for such programs that are ap-  
16               portioned to all States for such fiscal year.

17      (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

18      The obligation limitation for Federal-aid highways shall  
19      not apply to obligations: (1) under section 125 of title 23,  
20      United States Code; (2) under section 147 of the Surface  
21      Transportation Assistance Act of 1978; (3) under section  
22      9 of the Federal-Aid Highway Act of 1981; (4) under sub-  
23      sections (b) and (j) of section 131 of the Surface Trans-  
24      portation Assistance Act of 1982; (5) under subsections  
25      (b) and (c) of section 149 of the Surface Transportation

1 and Uniform Relocation Assistance Act of 1987; (6) under  
2 sections 1103 through 1108 of the Intermodal Surface  
3 Transportation Efficiency Act of 1991; (7) under section  
4 157 of title 23, United States Code, as in effect on the  
5 day before the date of the enactment of the Transpor-  
6 tation Equity Act for the 21st Century; (8) under section  
7 105 of title 23, United States Code, as in effect for fiscal  
8 years 1998 through 2004, but only in an amount equal  
9 to \$639,000,000 for each of those fiscal years; (9) for  
10 Federal-aid highway programs for which obligation au-  
11 thority was made available under the Transportation Eq-  
12 uity Act for the 21st Century or subsequent public laws  
13 for multiple years or to remain available until used, but  
14 only to the extent that the obligation authority has not  
15 lapsed or been used; (10) under section 105 of title 23,  
16 United States Code, but only in an amount equal to  
17 \$639,000,000 for each of fiscal years 2005 through 2008;  
18 and (11) under section 1603 of the Safe, Accountable,  
19 Flexible, Efficient Transportation Equity Act: A Legacy  
20 for Users, to the extent that funds obligated in accordance  
21 with that section were not subject to a limitation on obli-  
22 gations at the time at which the funds were initially made  
23 available for obligation.

24 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-  
25 THORITY.—Notwithstanding subsection (a), the Secretary

1 shall, after August 1 of such fiscal year, revise a distribu-  
2 tion of the obligation limitation made available under sub-  
3 section (a) if the amount distributed cannot be obligated  
4 during that fiscal year and redistribute sufficient amounts  
5 to those States able to obligate amounts in addition to  
6 those previously distributed during that fiscal year, giving  
7 priority to those States having large unobligated balances  
8 of funds apportioned under sections 104 and 144 of title  
9 23, United States Code.

10 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO  
11 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-  
12 tion limitation shall apply to transportation research pro-  
13 grams carried out under chapter 5 of title 23, United  
14 States Code, and title V (research title) of the Safe, Ac-  
15 countable, Flexible, Efficient Transportation Equity Act:  
16 A Legacy for Users, except that obligation authority made  
17 available for such programs under such limitation shall re-  
18 main available for a period of 3 fiscal years and shall be  
19 in addition to the amount of any limitation imposed on  
20 obligations for Federal-aid highway and highway safety  
21 construction programs for future fiscal years.

22 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED  
23 FUNDS.—

24 (1) IN GENERAL.—Not later than 30 days after  
25 the date of the distribution of obligation limitation

1 under subsection (a), the Secretary shall distribute  
2 to the States any funds that—

3 (A) are authorized to be appropriated for  
4 such fiscal year for Federal-aid highways pro-  
5 grams; and

6 (B) the Secretary determines will not be  
7 allocated to the States, and will not be available  
8 for obligation, in such fiscal year due to the im-  
9 position of any obligation limitation for such  
10 fiscal year.

11 (2) RATIO.—Funds shall be distributed under  
12 paragraph (1) in the same ratio as the distribution  
13 of obligation authority under subsection (a)(6).

14 (3) AVAILABILITY.—Funds distributed under  
15 paragraph (1) shall be available for any purposes de-  
16 scribed in section 133(b) of title 23, United States  
17 Code.

18 (f) SPECIAL LIMITATION CHARACTERISTICS.—Obli-  
19 gation limitation distributed for a fiscal year under sub-  
20 section (a)(4) for the provision specified in subsection  
21 (a)(4) shall—

22 (1) remain available until used for obligation of  
23 funds for that provision; and

24 (2) be in addition to the amount of any limita-  
25 tion imposed on obligations for Federal-aid highway

1 and highway safety construction programs for future  
2 fiscal years.

3 (g) HIGH PRIORITY PROJECT FLEXIBILITY.—

4 (1) IN GENERAL.—Subject to paragraph (2),  
5 obligation authority distributed for such fiscal year  
6 under subsection (a)(4) for each project numbered 1  
7 through 3676 listed in the table contained in section  
8 1702 of the Safe, Accountable, Flexible, Efficient  
9 Transportation Equity Act: A Legacy for Users may  
10 be obligated for any other project in such section in  
11 the same State.

12 (2) RESTORATION.—Obligation authority used  
13 as described in paragraph (1) shall be restored to  
14 the original purpose on the date on which obligation  
15 authority is distributed under this section for the  
16 next fiscal year following obligation under paragraph  
17 (1).

18 (h) LIMITATION ON STATUTORY CONSTRUCTION.—

19 Nothing in this section shall be construed to limit the dis-  
20 tribution of obligation authority under subsection  
21 (a)(4)(A) for each of the individual projects numbered  
22 greater than 3676 listed in the table contained in section  
23 1702 of the Safe, Accountable, Flexible, Efficient Trans-  
24 portation Equity Act: A Legacy for Users.

1 SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-  
2 ceived by the Bureau of Transportation Statistics from the  
3 sale of data products, for necessary expenses incurred pur-  
4 suant to 49 U.S.C. 111 may be credited to the Federal-  
5 aid highways account for the purpose of reimbursing the  
6 Bureau for such expenses: *Provided*, That such funds shall  
7 be subject to the obligation limitation for Federal-aid  
8 highways and highway safety construction.

9 SEC. 122. Of the unobligated balances made available  
10 under sections 1103, 1104, 1105, 1106(a), 1106(b), 1107,  
11 and 1108 of Public Law 102-240, \$1,292,287.73 are re-  
12 scinded.

13 SEC. 123. Of the unobligated balances made available  
14 under section 1602 of Public Law 105-178,  
15 \$5,987,345.70 are rescinded.

16 SEC. 124. Of the unobligated balances made available  
17 under section 188(a)(1) of title 23, United States Code,  
18 as in effect on the day before the date of enactment of  
19 Public Law 109-59, and under section 608(a)(1) of such  
20 title, ~~\$265,274,898~~ are rescinded.

\$256,806,000

21 SEC. 125. Of the amounts made available under sec-  
22 tion 104(a) of title 23, United States Code, \$43,358,601  
23 are rescinded.

24 SEC. 126. Of the unobligated balances of funds made  
25 available in fiscal year 2005 and prior fiscal years for the

1 implementation or execution of programs for transpor-  
2 tation research, training and education, and technology  
3 deployment including intelligent transportation systems,  
4 \$239,801,603 are rescinded.

5 SEC. 127. Of the amounts made available for "High-  
6 way Related Safety Grants" by section 402 of title 23,  
7 United States Code, and administered by the Federal  
8 Highway Administration, \$11,314 in unobligated balances  
9 are rescinded.

10 SEC. 128. Of the unobligated balances made available  
11 under Public Law 101-516, Public Law 102-143, Public  
12 Law 103-331, Public Law 106-346, Public Law 107-87,  
13 and Public Law 108-7, \$4,753,687.26 are rescinded.

14 SEC. 129. Notwithstanding any other provision of  
15 law, the Secretary of Transportation shall set aside from  
16 revenue aligned budget authority authorized for fiscal year  
17 2008 under section 110 of title 23, United States Code,  
18 such sums as may be necessary for the programs, projects  
19 and activities at the level of 98 percent of the cor-  
20 responding amounts identified under this section in the  
21 explanatory statement accompanying this Act: *Provided*,  
22 That funds set aside by this section, at the request of a  
23 State, shall be transferred by the Secretary to another  
24 Federal agency: *Provided further*, That the Federal share  
25 payable on account of any program, project, or activity



1 carried out with funds set aside by this section shall be  
2 100 percent: *Provided further*, That the sums set aside by  
3 this section shall remain available until expended: *Pro-*  
4 *vided further*, That all funds set aside by this section shall  
5 be subject to any limitation on obligations for Federal-aid  
6 highways and highway safety construction programs set  
7 forth in this Act or any other Act: *Provided further*, That  
8 the obligation limitation made available for the programs,  
9 projects, and activities for which funds are set aside by  
10 this section shall remain available until used and shall be  
11 in addition to the amount of any limitation imposed on  
12 obligations for Federal-aid highway and highway safety  
13 construction programs for future fiscal years: *Provided*  
14 *further*, That amounts authorized for fiscal year 2008 for  
15 revenue aligned budget authority under such section in ex-  
16 cess of the amount set aside by the first clause of this  
17 section ~~shall be cancelled.~~

are  
rescinded.

18 SEC. 130. Not less than 15 days prior to waiving,  
19 under her statutory authority, any Buy America require-  
20 ment for Federal-aid highway projects, the Secretary of  
21 Transportation shall make an informal public notice and  
22 comment opportunity on the intent to issue such waiver  
23 and the reasons therefor: *Provided*, That the Secretary  
24 shall provide an annual report to the Appropriations Com-

1 mittees of the Congress on any waivers granted under the  
2 Buy America requirements.

3 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

4 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

5 (LIQUIDATION OF CONTRACT AUTHORIZATION)

6 (LIMITATION ON OBLIGATIONS)

7 (HIGHWAY TRUST FUND)

8 (INCLUDING RESCISSION)

9 For payment of obligations incurred for administra-  
10 tion of motor carrier safety operations and programs pur-  
11 suant to section 31104(i) of title 49, United States Code,  
12 and sections 4127 and 4134 of Public Law 109-59,  
13 \$229,654,000, to be derived from the Highway Trust  
14 Fund (other than the Mass Transit Account), together  
15 with advances and reimbursements received by the Fed-  
16 eral Motor Carrier Safety Administration, the sum of  
17 which shall remain available until expended: *Provided,*  
18 That none of the funds derived from the Highway Trust  
19 Fund in this Act shall be available for the implementation,  
20 execution or administration of programs, the obligations  
21 for which are in excess of \$229,654,000, for "Motor Car-  
22 rier Safety Operations and Programs", of which  
23 \$8,900,000, to remain available for obligation until Sep-  
24 tember 30, 2010, is for the research and technology pro-  
25 gram and \$1,000,000 shall be available for commercial  
26 motor vehicle operator's grants to carry out section 4134

INSERT  
34-A

Insert 34A

SEC. 131. Notwithstanding any other provision of law, amounts authorized for fiscal year 2008 for programs under sections 1305 and 1502 of Public Law 109-59 and section 503(b) of title 23, United States Code, are rescinded.

34-A

1 of Public Law 109-59: *Provided further*, That notwith-  
2 standing any other provision of law, none of the funds  
3 under this heading for outreach and education shall be  
4 available for transfer: *Provided further*, That \$1,815,553  
5 in unobligated balances are rescinded.

6 MOTOR CARRIER SAFETY GRANTS  
7 (LIQUIDATION OF CONTRACT AUTHORIZATION)  
8 (LIMITATION ON OBLIGATIONS)  
9 (HIGHWAY TRUST FUND)  
10 (INCLUDING RESCISSION)

11 For payment of obligations incurred in carrying out  
12 sections 31102, 31104(a), 31106, 31107, 31109, 31309,  
13 31313 of title 49, United States Code, and sections 4126  
14 and 4128 of Public Law 109-59, \$300,000,000, to be de-  
15 rived from the Highway Trust Fund (other than the Mass  
16 Transit Account) and to remain available until expended:  
17 *Provided*, That none of the funds in this Act shall be avail-  
18 able for the implementation or execution of programs, the  
19 obligations for which are in excess of \$300,000,000, for  
20 "Motor Carrier Safety Grants"; of which \$202,000,000  
21 shall be available for the motor carrier safety assistance  
22 program to carry out sections 31102 and 31104(a) of title  
23 49, United States Code; \$25,000,000 shall be available for  
24 the commercial driver's license improvements program to  
25 carry out section 31313 of title 49, United States Code;  
26 \$32,000,000 shall be available for the border enforcement

1 grants program to carry out section 31107 of title 49,  
2 United States Code; \$5,000,000 shall be available for the  
3 performance and registration information system manage-  
4 ment program to carry out sections 31106(b) and 31109  
5 of title 49, United States Code; \$25,000,000 shall be  
6 available for the commercial vehicle information systems  
7 and networks deployment program to carry out section  
8 4126 of Public Law 109-59; \$3,000,000 shall be available  
9 for the safety data improvement program to carry out sec-  
10 tion 4128 of Public Law 109-59; and \$8,000,000 shall  
11 be available for the commercial driver's license information  
12 system modernization program to carry out section  
13 31309(e) of title 49, United States Code: *Provided further,*  
14 That of the funds made available for the motor carrier  
15 safety assistance program, \$29,000,000 shall be available  
16 for audits of new entrant motor carriers: *Provided further,*  
17 That \$11,260,214 in unobligated balances are rescinded.

18 MOTOR CARRIER SAFETY

19 (HIGHWAY TRUST FUND)

20 (RESCISSION)

21 Of the amounts made available under this heading  
22 in prior appropriations Acts, \$32,187,720 in unobligated  
23 balances are rescinded.

1           NATIONAL MOTOR CARRIER SAFETY PROGRAM  
2                           (HIGHWAY TRUST FUND)  
3                           (RESCISSION)

4       Of the amounts made available under this heading  
5 in prior appropriations Act, \$5,212,858 in unobligated  
6 balances are rescinded.

7       ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR  
8                           CARRIER SAFETY ADMINISTRATION

9       SEC. 135. Funds appropriated or limited in this Act  
10 shall be subject to the terms and conditions stipulated in  
11 section 350 of Public Law 107–87 and section 6901 of  
12 Public Law 110–28, including that the Secretary submit  
13 a report to the House and Senate Appropriations Commit-  
14 tees annually on the safety and security of transportation  
15 into the United States by Mexico-domiciled motor carriers.

16       SEC. 136. None of the funds made available under  
17 this Act may be used to establish a cross-border motor  
18 carrier demonstration program to allow Mexico-domiciled  
19 motor carriers to operate beyond the commercial zones  
20 along the international border between the United States  
21 and Mexico.

22       NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
23                           OPERATIONS AND RESEARCH

24       For expenses necessary to discharge the functions of  
25 the Secretary, with respect to traffic and highway safety  
26 under subtitle C of title X of Public Law 109–59, chapter

1 301 of title 49, United States Code, and part C of subtitle  
2 VI of title 49, United States Code, \$126,572,000, of which  
3 \$26,156,000 shall remain available until September 30,  
4 2010: *Provided*, That none of the funds appropriated by  
5 this Act may be obligated or expended to plan, finalize,  
6 or implement any rulemaking to add to section 575.104  
7 of title 49 of the Code of Federal Regulations any require-  
8 ment pertaining to a grading standard that is different  
9 from the three grading standards (treadwear, traction,  
10 and temperature resistance) already in effect.

11

## OPERATIONS AND RESEARCH

12

## (LIQUIDATION OF CONTRACT AUTHORIZATION)

13

## (LIMITATION ON OBLIGATIONS)

14

## (HIGHWAY TRUST FUND)

15 For payment of obligations incurred in carrying out  
16 the provisions of 23 U.S.C. 403, \$107,750,000, to be de-  
17 rived from the Highway Trust Fund (other than the Mass  
18 Transit Account) and to remain available until expended:  
19 *Provided*, That none of the funds in this Act shall be avail-  
20 able for the planning or execution of programs the total  
21 obligations for which, in fiscal year 2008, are in excess  
22 of \$107,750,000 for programs authorized under 23 U.S.C.  
23 403.

## 1 NATIONAL DRIVER REGISTER

2 (LIQUIDATION OF CONTRACT AUTHORIZATION)

3 (LIMITATION ON OBLIGATIONS)

4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out  
6 chapter 303 of title 49, United States Code, \$4,000,000,  
7 to be derived from the Highway Trust Fund (other than  
8 the Mass Transit Account) and to remain available until  
9 expended: *Provided*, That none of the funds in this Act  
10 shall be available for the implementation or execution of  
11 programs the total obligations for which, in fiscal year  
12 2008, are in excess of \$4,000,000 for the National Driver  
13 Register authorized under such chapter.

## 14 HIGHWAY TRAFFIC SAFETY GRANTS

15 (LIQUIDATION OF CONTRACT AUTHORIZATION)

16 (LIMITATION ON OBLIGATIONS)

17 (HIGHWAY TRUST FUND)

18 For payment of obligations incurred in carrying out  
19 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410  
20 and sections 2001(a)(11), 2009, 2010, and 2011 of Public  
21 Law 109-59, to remain available until expended,  
22 \$599,250,000 to be derived from the Highway Trust Fund  
23 (other than the Mass Transit Account): *Provided*, That  
24 none of the funds in this Act shall be available for the  
25 planning or execution of programs the total obligations for  
26 which, in fiscal year 2008, are in excess of \$599,250,000



1 for programs authorized under 23 U.S.C. 402, 405, 406,  
2 408, and 410 and sections 2001(a)(11), 2009, 2010, and  
3 2011 of Public Law 109-59, of which \$225,000,000 shall  
4 be for "Highway Safety Programs" under 23 U.S.C. 402;  
5 \$25,000,000 shall be for "Occupant Protection Incentive  
6 Grants" under 23 U.S.C. 405; \$124,500,000 shall be for  
7 "Safety Belt Performance Grants" under 23 U.S.C. 406;  
8 \$34,500,000 shall be for "State Traffic Safety Informa-  
9 tion System Improvements" under 23 U.S.C. 408;  
10 \$131,000,000 shall be for "Alcohol-Impaired Driving  
11 Countermeasures Incentive Grant Program" under 23  
12 U.S.C. 410; \$18,250,000 shall be for "Administrative Ex-  
13 penses" under section 2001(a)(11) of Public Law 109-  
14 59; \$29,000,000 shall be for "High Visibility Enforcement  
15 Program" under section 2009 of Public Law 109-59;  
16 \$6,000,000 shall be for "Motorcyclist Safety" under sec-  
17 tion 2010 of Public Law 109-59; and \$6,000,000 shall  
18 be for "Child Safety and Child Booster Seat Safety Incen-  
19 tive Grants" under section 2011 of Public Law 109-59:  
20 *Provided further*, That none of these funds shall be used  
21 for construction, rehabilitation, or remodeling costs, or for  
22 office furnishings and fixtures for State, local or private  
23 buildings or structures: *Provided further*, That not to ex-  
24 ceed \$500,000 of the funds made available for section 410  
25 "Alcohol-Impaired Driving Countermeasures Grants"

1 shall be available for technical assistance to the States:  
2 *Provided further*, That not to exceed \$750,000 of the  
3 funds made available for the "High Visibility Enforcement  
4 Program" shall be available for the evaluation required  
5 under section 2009(f) of Public Law 109-59.

6 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY  
7 TRAFFIC SAFETY ADMINISTRATION  
8 (INCLUDING RESCISSIONS)

9 SEC. 140. Notwithstanding any other provision of law  
10 or limitation on the use of funds made available under  
11 section 403 of title 23, United States Code, an additional  
12 \$130,000 shall be made available to the National Highway  
13 Traffic Safety Administration, out of the amount limited  
14 for section 402 of title 23, United States Code, to pay  
15 for travel and related expenses for State management re-  
16 views and to pay for core competency development train-  
17 ing and related expenses for highway safety staff.

18 SEC. 141. Of the amounts made available under the  
19 heading "Operations and Research (Liquidation of Con-  
20 tract Authorization) (Limitation on Obligations) (High-  
21 way Trust Fund)" in prior appropriations Acts,  
22 \$12,197,113.60 in unobligated balances are rescinded.

23 SEC. 142. Of the amounts made available under the  
24 heading "National Driver Register (Liquidation of Con-  
25 tract Authorization) (Limitation on Obligations) (High-

1 way Trust Fund)” in prior appropriations Acts,  
2 \$119,914.61 in unobligated balances are rescinded.

3 SEC. 143. Of the amounts made available under the  
4 heading “Highway Traffic Safety Grants (Liquidation of  
5 Contract Authorization) (Limitation on Obligations)  
6 (Highway Trust Fund)” in prior appropriations Acts,  
7 \$10,528,958 in unobligated balances are rescinded.

8 FEDERAL RAILROAD ADMINISTRATION

9 SAFETY AND OPERATIONS

10 For necessary expenses of the Federal Railroad Ad-  
11 ministration, not otherwise provided for, \$150,193,499, of  
12 which \$12,268,890 shall remain available until expended.

13 RAILROAD RESEARCH AND DEVELOPMENT

14 For necessary expenses for railroad research and de-  
15 velopment, \$35,964,400, to remain available until ex-  
16 pended.

17 CAPITAL ASSISTANCE TO STATES—INTERCITY

18 PASSENGER RAIL SERVICE

19 To enable the Federal Railroad Administrator to  
20 make grants to States for the capital costs of improving  
21 existing intercity passenger rail service and providing new  
22 intercity passenger rail service, \$30,000,000, to remain  
23 available until expended: *Provided*, That grants shall be  
24 provided to a State only on a reimbursable basis: *Pro-*  
25 *vided further*, That grants cover no more than 50 percent  
26 of the total capital cost of a project selected for funding:

1 *Provided further*, That no more than ten percent of funds  
2 made available under this program may be used for plan-  
3 ning activities that lead directly to the development of a  
4 passenger rail corridor investment plan consistent with  
5 the requirements established by the Administrator: *Pro-*  
6 *vided further*, That no later than eight months following  
7 enactment of this Act, the Secretary shall establish and  
8 publish criteria for project selection, set a deadline for  
9 grant applications, and provide a schedule for project se-  
10 lection: *Provided further*, That to be eligible for this as-  
11 sistance, States must include intercity passenger rail  
12 service as an integral part of statewide transportation  
13 planning as required under section 135 of title 23,  
14 United States Code: *Provided further*, That to be eligible  
15 for capital assistance the specific project must be on the  
16 Statewide Transportation Improvement Plan at the time  
17 of the application to qualify: *Provided further*, That the  
18 Secretary give priority to capital and planning applica-  
19 tions for projects that improve the safety and reliability  
20 of intercity passenger trains, involve a commitment by  
21 freight railroads to an enforceable on-time performance  
22 of passenger trains of 80 percent or greater, involve a  
23 commitment by freight railroads of financial resources  
24 commensurate with the benefit expected to their oper-  
25 ations, improve or extend service on a route that requires

1 little or no Federal assistance for its operations, and in-  
2 volve a commitment by States or railroads of financial re-  
3 sources to improve the safety of highway/rail grade cross-  
4 ings over which the passenger service operates.

5 RAILROAD REHABILITATION AND IMPROVEMENT

6 PROGRAM

7 The Secretary of Transportation is authorized to  
8 issue to the Secretary of the Treasury notes or other obli-  
9 gations pursuant to section 512 of the Railroad Revitaliza-  
10 tion and Regulatory Reform Act of 1976 (Public Law 94-  
11 210), as amended, in such amounts and at such times as  
12 may be necessary to pay any amounts required pursuant  
13 to the guarantee of the principal amount of obligations  
14 under sections 511 through 513 of such Act, such author-  
15 ity to exist as long as any such guaranteed obligation is  
16 outstanding: *Provided*, That pursuant to section 502 of  
17 such Act, as amended, no new direct loans or loan guar-  
18 antee commitments shall be made using Federal funds for  
19 the credit risk premium during fiscal year 2008.

20 RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

21 For necessary expenses of carrying out section 20154  
22 of title 49, United States Code, as authorized by section  
23 9002 of Public Law 109-59, \$20,145,000, to remain  
24 available until expended.

1       OPERATING GRANTS TO THE NATIONAL RAILROAD  
2                   PASSENGER CORPORATION

3       To enable the Secretary of Transportation to make  
4   quarterly grants to the National Railroad Passenger Cor-  
5   poration for operation of intercity passenger rail,  
6   \$475,000,000 to remain available until expended: *Pro-*  
7   *vided*, That the Secretary of Transportation shall approve  
8   funding to cover operating losses for the Corporation only  
9   after receiving and reviewing a grant request for each spe-  
10   cific train route: *Provided further*, That each such grant  
11   request shall be accompanied by a detailed financial anal-  
12   ysis, revenue projection, and capital expenditure projection  
13   justifying the Federal support to the Secretary's satisfac-  
14   tion: *Provided further*, That the Corporation is directed to  
15   achieve savings through operating efficiencies including,  
16   but not limited to, modifications to food and beverage  
17   service and first class service: *Provided further*, That the  
18   Inspector General of the Department of Transportation  
19   shall report to the House and Senate Committees on Ap-  
20   propriations beginning three months after the date of the  
21   enactment of this Act and quarterly thereafter with esti-  
22   mates of the savings accrued as a result of all operational  
23   reforms instituted by the Corporation: *Provided further*,  
24   That not later than 120 days after enactment of this Act,  
25   the Corporation shall transmit to the House and Senate

1 Committees on Appropriations the status of its plan to  
2 improve the financial performance of food and beverage  
3 service and its plan to improve the financial performance  
4 of first class service (including sleeping car service): *Pro-*  
5 *vided further*, That the Corporation shall report quarterly  
6 to the House and Senate Committees on Appropriations  
7 on its progress against the milestones and target dates  
8 contained in the plan provided in fiscal year 2007 and  
9 quantify savings realized to date on a monthly basis com-  
10 pared to those projected in the plan, identify any changes  
11 in the plan or delays in implementing these plans, and  
12 identify the causes of delay and proposed corrective meas-  
13 ures: *Provided further*, That not later than 90 days after  
14 enactment of this Act, the Corporation shall transmit, in  
15 electronic format, to the Secretary, the House and Senate  
16 Committees on Appropriations, the House Committee on  
17 Transportation and Infrastructure and the Senate Com-  
18 mittee on Commerce, Science, and Transportation a com-  
19 prehensive business plan approved by the Board of Direc-  
20 tors for fiscal year 2008 under section 24104(a) of title  
21 49, United States Code: *Provided further*, That the busi-  
22 ness plan shall include, as applicable, targets for ridership,  
23 revenues, and capital and operating expenses: *Provided*  
24 *further*, That the plan shall also include a separate ac-  
25 counting of such targets for the Northeast Corridor; com-

1 muter service; long-distance Amtrak service; State-sup-  
2 ported service; each intercity train route, including Auto-  
3 train; and commercial activities including contract oper-  
4 ations: *Provided further*, That the business plan shall in-  
5 clude a description of the work to be funded, along with  
6 cost estimates and an estimated timetable for completion  
7 of the projects covered by this business plan: *Provided fur-*  
8 *ther*, That the Corporation shall continue to provide  
9 monthly reports in electronic format regarding the pend-  
10 ing business plan, which shall describe the work completed  
11 to date, any changes to the business plan, and the reasons  
12 for such changes, and shall identify all sole source contract  
13 awards which shall be accompanied by a justification as  
14 to why said contract was awarded on a sole source basis:  
15 *Provided further*, That the Corporation's business plan  
16 and all subsequent supplemental plans shall be displayed  
17 on the Corporation's website within a reasonable time-  
18 frame following their submission to the appropriate enti-  
19 ties: *Provided further*, That none of the funds under this  
20 heading may be obligated or expended until the Corpora-  
21 tion agrees to continue abiding by the provisions of para-  
22 graphs 1, 2, 5, 9, and 11 of the summary of conditions  
23 for the direct loan agreement of June 28, 2002, in the  
24 same manner as in effect on the date of enactment of this  
25 Act: *Provided further*, That none of the funds provided in



1 this Act may be used after March 1, 2006, to support any  
2 route on which Amtrak offers a discounted fare of more  
3 than 50 percent off the normal, peak fare: *Provided fur-*  
4 *ther*, That the preceding proviso does not apply to routes  
5 where the operating loss as a result of the discount is cov-  
6 ered by a State and the State participates in the setting  
7 of fares: *Provided further*, That of the amounts made  
8 available under this heading not less than \$18,500,000  
9 shall be available for the Amtrak Office of Inspector Gen-  
10 eral.

11 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL  
12 RAILROAD PASSENGER CORPORATION

13 To enable the Secretary of Transportation to make  
14 quarterly grants to the National Railroad Passenger Cor-  
15 poration for the maintenance and repair of capital infra-  
16 structure owned by the Corporation, including railroad  
17 equipment, rolling stock, legal mandates and other serv-  
18 ices, \$850,000,000, to remain available until expended, of  
19 which not to exceed \$285,000,000 shall be for debt service  
20 obligations: *Provided*, That the Secretary may retain up  
21 to one-quarter of one percent of the funds under this head-  
22 ing to fund the oversight by the Federal Railroad Adminis-  
23 tration of the design and implementation of capital  
24 projects funded by grants made under this heading: *Pro-*  
25 *vided further*, That the Secretary shall approve funding  
26 for capital expenditures, including advance purchase or-

1 ders of materials, for the Corporation only after receiving  
2 and reviewing a grant request for each specific capital  
3 grant justifying the Federal support to the Secretary's  
4 satisfaction: *Provided further*, That none of the funds  
5 under this heading may be used to subsidize operating  
6 losses of the Corporation: *Provided further*, That none of  
7 the funds under this heading may be used for capital  
8 projects not approved by the Secretary of Transportation  
9 or on the Corporation's fiscal year 2008 business plan:  
10 *Provided further*, That \$35,000,000 of amounts made  
11 available under this heading shall be available until ex-  
12 pended for capital improvements if the Corporation dem-  
13 onstrates to the Secretary's satisfaction that the Corpora-  
14 tion has achieved operational savings and met ridership  
15 and revenue targets as defined in the Corporation's busi-  
16 ness plan: *Provided further*, That of the funds provided  
17 under this section, not less than \$5,000,000 shall be ex-  
18 pended for the development and implementation of a man-  
19 agerial cost accounting system, which includes average  
20 and marginal unit cost capability: *Provided further*, That  
21 within 90 days of enactment, the Department of Trans-  
22 portation Inspector General shall review and comment to  
23 the Secretary of Transportation and the House and Sen-  
24 ate Committees on Appropriations upon the strengths and  
25 weaknesses of the system being developed by the Corpora-

1 tion and how it best can be implemented to improve deci-  
2 sion making by the Board of Directors and management  
3 of the Corporation: *Provided further*, That not later than  
4 180 days after the enactment of this Act, the Secretary,  
5 in consultation with the Corporation and the States on  
6 the Northeast Corridor, shall establish a common defini-  
7 tion of what is determined to be a “state of good repair”  
8 on the Northeast Corridor and report its findings, includ-  
9 ing definitional areas of disagreement, to the House and  
10 Senate Committees on Appropriations, the House Com-  
11 mittee on Transportation and Infrastructure and the Sen-  
12 ate Committee on Commerce, Science, and Transpor-  
13 tation.

14 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

15 ADMINISTRATION

16 SEC. 150. Notwithstanding any other provision of  
17 this Act, funds provided in this Act for the National Rail-  
18 road Passenger Corporation shall immediately cease to be  
19 available to said Corporation in the event that the Cor-  
20 poration contracts to have services provided at or from  
21 any location outside the United States. For purposes of  
22 this section, the word “services” shall mean any service  
23 that was, as of July 1, 2006, performed by a full-time  
24 or part-time Amtrak employee whose base of employment  
25 is located within the United States.

1       SEC. 151. Not later than January 1, 2008, the Fed-  
2 eral Railroad Administrator shall submit a report, and  
3 quarterly reports thereafter, to the House and Senate  
4 Committees on Appropriations detailing the Administra-  
5 tor's efforts at improving the on-time performance of Am-  
6 trak intercity rail service operating on non-Amtrak owned  
7 property. Such reports shall compare the most recent ac-  
8 tual on-time performance data to pre-established on-time  
9 performance goals that the Administrator shall set for  
10 each rail service, identified by route. Such reports shall  
11 also include whatever other information and data regard-  
12 ing the on-time performance of Amtrak trains the Admin-  
13 istrator deems to be appropriate.

14       SEC. 152. The Secretary may purchase promotional  
15 items of nominal value for use in public outreach activities  
16 to accomplish the purposes of 49 U.S.C. 20134: *Provided,*  
17 That the Secretary shall prescribe guidelines for the ad-  
18 ministration of such purchases and use.

19       SEC. 153. The Secretary of Transportation may re-  
20 ceive and expend cash, or receive and utilize spare parts  
21 and similar items, from non-United States Government  
22 sources to repair damages to or replace United States  
23 Government owned automated track inspection cars and  
24 equipment as a result of third party liability for such dam-  
25 ages, and any amounts collected under this subsection

1 shall be credited directly to the Safety and Operations ac-  
2 count of the Federal Railroad Administration, and shall  
3 remain available until expended for the repair, operation  
4 and maintenance of automated track inspection cars and  
5 equipment in connection with the automated track inspec-  
6 tion program.

7                   FEDERAL TRANSIT ADMINISTRATION

8                   ADMINISTRATIVE EXPENSES

9           For necessary administrative expenses of the Federal  
10 Transit Administration's programs authorized by chapter  
11 53 of title 49, United States Code, \$89,300,000: *Provided*,  
12 That of the funds available under this heading, not to ex-  
13 ceed \$1,504,000 shall be available for travel and not to  
14 exceed \$20,719,000 shall be available for the central ac-  
15 count: *Provided further*, That any funding transferred  
16 from the central account shall be submitted for approval  
17 to the House and Senate Committees on Appropriations:  
18 *Provided further*, That none of the funds provided or lim-  
19 ited in this Act may be used to create a permanent office  
20 of transit security under this heading: *Provided further*,  
21 That of the funds in this Act available for the execution  
22 of contracts under section 5327(c) of title 49, United  
23 States Code, \$2,000,000 shall be reimbursed to the De-  
24 partment of Transportation's Office of Inspector General  
25 for costs associated with audits and investigations of tran-

1 sit-related issues, including reviews of new fixed guideway  
2 systems: *Provided further*, That upon submission to the  
3 Congress of the fiscal year 2009 President's budget, the  
4 Secretary of Transportation shall transmit to Congress  
5 the annual report on new starts, including proposed alloca-  
6 tions of funds for fiscal year 2009.

7 FORMULA AND BUS GRANTS

8 (LIQUIDATION OF CONTRACT AUTHORITY)

9 (LIMITATION ON OBLIGATIONS)

10 (HIGHWAY TRUST FUND)

11 (INCLUDING RESCISSION)

12 For payment of obligations incurred in carrying out  
13 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,  
14 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and  
15 section 3038 of Public Law 105-178, as amended,  
16 \$6,855,000,000, to be derived from the Mass Transit Ac-  
17 count of the Highway Trust Fund and to remain available  
18 until expended: *Provided*, That funds available for the im-  
19 plementation or execution of programs authorized under  
20 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,  
21 5317, 5320, 5335, 5339, and 5340 and section 3038 of  
22 Public Law 105-178, as amended, shall not exceed total  
23 obligations of \$7,767,887,062 in fiscal year 2008: *Pro-*  
24 *vided further*, That of the funds available to carry out the  
25 bus program under section 5309 of title 49, United States  
26 Code, which are not otherwise allocated under this act or

1 under SAFETEA-LU (Public Law 109-59), not more  
2 than 10 percent may be expended in furtherance of the  
3 Department of Transportation's "National Strategy to  
4 Reduce Congestion on America's Transportation Net-  
5 work" issued May, 2006 by Secretary of Transportation,  
6 the Honorable Norman Mineta; also known as the "Con-  
7 gestion Initiative" or any other new highway congestion  
8 initiative: *Provided further*, That \$28,660,920 in unobli-  
9 gated balances are rescinded.

10 RESEARCH AND UNIVERSITY RESEARCH CENTERS

11 For necessary expenses to carry out 49 U.S.C. 5306,  
12 5312-5315, 5322, and 5506, \$65,362,900, to remain  
13 available until expended: *Provided*, That \$9,300,000 is  
14 available to carry out the transit cooperative research pro-  
15 gram under section 5313 of title 49, United States Code,  
16 \$4,300,000 is available for the National Transit Institute  
17 under section 5315 of title 49, United States Code, and  
18 \$7,000,000 is available for university transportation cen-  
19 ters program under section 5506 of title 49, United States  
20 Code: *Provided further*, That \$44,762,900 is available to  
21 carry out national research programs under sections 5312,  
22 5313, 5314, and 5322 of title 49, United States Code.

23 CAPITAL INVESTMENT GRANTS

24 For necessary expenses to carry out section 5309 of  
25 title 49, United States Code, \$1,569,091,997, to remain  
26 available until expended: *Provided*, That of the funds

1 available under this heading, amounts are to be made  
2 available as follows:

3 AC Transit BRT Corridor—Alameda County,  
4 California, \$490,000.

5 Alaska and Hawaii ferry projects, \$15,000,000.

6 Bus Rapid Transit, Cumberland County, Penn-  
7 sylvania, \$294,000.

8 Central Corridor Light Rail, Minnesota,  
9 \$10,192,000.

10 Central Link Initial Segment, Washington,  
11 \$68,600,000.

12 Central LRT Double-Track—Largo Extension,  
13 Maryland, \$34,300,000.

14 Central Phoenix/East Valley Light Rail, Ari-  
15 zona, \$88,200,000.

16 Charlotte Rapid Transit, North Carolina,  
17 \$1,960,000.

18 CORRIDORone Regional Rail Project, Pennsyl-  
19 vania, \$10,976,000.

20 DCTA Fixed Guideway/Engineering, Lewisville,  
21 Texas, \$245,000.

22 Denali Commission, Alaska, \$5,000,000.

23 Dulles Corridor Metrorail Project, Virginia,  
24 \$34,300,000.



1 Galveston Rail Trolley ~~Extension to Seawall~~

2 ~~Boulevard~~, Texas, \$1,960,000.

3 Honolulu High Capacity Transit Corridor, Ha-  
4 waii, \$15,190,000.

5 Hudson-Bergen MOS-2, New Jersey,  
6 \$54,089,135.

7 I-205/Portland Mall Light Rail, Oregon,  
8 \$78,400,000.

9 I-69 HOV/BRT, Mississippi, \$7,546,000.

10 JTA Bus Rapid Transit, Jacksonville, Florida,  
11 \$9,329,600.

12 Lane Transit District, Pioneer Parkway EmX  
13 Corridor, Oregon, \$14,504,000.

14 Long Island Rail Road East Side Access, New  
15 York, \$210,700,000.

16 MARC Commuter Rail Improvements and Roll-  
17 ing Stock, Maryland, \$9,800,000.

18 MBTA Fitchburg to Boston Rail Corridor  
19 Project, Massachusetts, \$5,880,000.

20 METRA Connects Southeast Service, Illinois,  
21 \$7,227,500.

22 METRA Star Line, Illinois, \$7,227,500.

23 METRA Union Pacific Northwest Line, Illinois,  
24 \$7,227,500.

1 METRA Union Pacific West Line, Illinois,  
2 \$7,227,500.

3 Metro Gold Line Eastside Extension, Cali-  
4 fornia, \$78,400,000.

5 Metrorail Orange Line Expansion, Florida,  
6 \$1,960,000.

7 Metro Rapid Bus System Gap Closure, Los An-  
8 geles, California, \$16,347,380.

9 Mid-Jordan Light Rail Extension, Utah,  
10 \$19,600,000.

11 Monmouth-Ocean-Middlesex County Passenger  
12 Rail, New Jersey, \$980,000.

13 New Britain-Hartford Busway, Connecticut,  
14 \$3,271,632.

15 Norfolk Light Rail Project, Virginia,  
16 \$23,030,000.

17 North Corridor ~~BR~~, Houston and Southeast  
18 Corridor ~~BR~~, Texas, \$19,600,000.

19 North Shore Corridor & Blue Line, Massachu-  
20 setts, \$1,960,000.

21 NorthStar Commuter, Minnesota, \$53,900,000.

22 Northern Indiana Commuter Transit District  
23 Recapitalization, Indiana, \$4,900,000.

24 North Shore LRT Connector, Pennsylvania,  
25 \$32,846,115.

- 1 Northwest NJ-Northeast PA, Pennsylvania,
- 2 \$2,940,000.
- 3 NW/SE LRT MOS, Texas, \$84,525,000.
- 4 Pacific Highway South BRT, King County,
- 5 Washington, \$13,794,480.
- 6 Perris Valley Line Metrolink Extension, Cali-
- 7 fornia, \$1,960,000.
- 8 Pawtucket/Central Falls Commuter Rail Sta-
- 9 tion, Rhode Island, \$1,960,000.
- 10 Planning and Design, Bus Rapid Transit-State
- 11 Avenue Corridor, Wyandotte County, Kansas,
- 12 \$1,470,000.
- 13 Provo Orem Bus Rapid Transit, Utah,
- 14 \$4,018,000.
- 15 Rapid Transit (BRT) project, Livermore, Cali-
- 16 fornia, \$2,940,000.
- 17 Ravenswood Line Extension, Illinois,
- 18 \$39,200,000.
- 19 Route 1 Bus Rapid Transit, Potomac Yard-
- 20 Crystal City, Alexandria and Arlington, Virginia,
- 21 \$980,000.
- 22 Second Avenue Subway Phase 1, New York,
- 23 \$167,810,300.
- 24 SMART EIS and PE, California, \$1,960,000.

1 South County Commuter Rail Wickford Junc-  
2 tion Station, Rhode Island, \$12,269,449.

3 Southeast Corridor LRT, Colorado,  
4 \$50,529,274.

5 South Sacramento Corridor Phase 2, California,  
6 \$4,410,000.

7 Telegraph Avenue-International Boulevard-East  
8 14th Street Bus Rapid Transit Corridor Improve-  
9 ments, California, \$1,960,000.

10 Third Street Light Rail, San Francisco, Cali-  
11 fornia, \$11,760,000.

12 Trans-Hudson Midtown Corridor, New Jersey,  
13 \$14,700,000.

14 Troost Corridor Bus Rapid Transit, Missouri,  
15 \$6,134,800.

16 West Corridor Light Rail Project, Colorado,  
17 \$39,200,000.

18 University Link LRT, Washington,  
19 \$19,600,000.

20 VIA Bus Rapid Transit Corridor Project, San  
21 Antonio, Texas, \$4,900,000.

22 Virginia Railway Express Extension—Gaines-  
23 ville/Haymarket, Virginia, \$490,000.

24 VRE Rolling Stock, Virginia, \$3,920,000.

1           Weber County to Salt Lake City, Utah,  
2       \$78,400,000.

3       ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

4                           ADMINISTRATION

5       SEC. 160. The limitations on obligations for the pro-  
6 grams of the Federal Transit Administration shall not  
7 apply to any authority under 49 U.S.C. 5338, previously  
8 made available for obligation, or to any other authority  
9 previously made available for obligation.

10      SEC. 161. Notwithstanding any other provision of  
11 law, funds made available by this Act under “Federal  
12 Transit Administration, Capital investment grants” and  
13 bus and bus facilities under “Federal Transit Administra-  
14 tion, Formula and bus grants” for projects specified in  
15 this Act or identified in reports accompanying this Act not  
16 obligated by September 30, 2010, and other recoveries,  
17 shall be made available for other projects under 49 U.S.C.  
18 5309.

19      SEC. 162. Notwithstanding any other provision of  
20 law, any funds appropriated before October 1, 2007, under  
21 any section of chapter 53 of title 49, United States Code,  
22 that remain available for expenditure, may be transferred  
23 to and administered under the most recent appropriation  
24 heading for any such section.

25      SEC. 163. Notwithstanding any other provision of  
26 law, unobligated funds made available for a new fixed

1 guideway systems projects under the heading "Federal  
2 Transit Administration, Capital Investment Grants" in  
3 any appropriations Act prior to this Act may be used dur-  
4 ing this fiscal year to satisfy expenses incurred for such  
5 projects.

6 SEC. 164. During fiscal year 2008, each Federal  
7 Transit Administration grant for a project that involves  
8 the acquisition or rehabilitation of a bus to be used in pub-  
9 lic transportation shall be funded for 90 percent of the  
10 net capital costs of a biodiesel bus or a factory-installed  
11 or retrofitted hybrid electric propulsion system and any  
12 equipment related to such a system: *Provided*, That the  
13 Secretary shall have the discretion to determine, through  
14 practicable administrative procedures, the costs attrib-  
15 utable to the system and related-equipment.

16 SEC. 165. Notwithstanding any other provision of  
17 law, in regard to the Central Link Initial Segment Project,  
18 to the extent that Federal funds remain available within  
19 the current budget for the project, the Secretary shall, im-  
20 mediately upon the date of enactment of this Act, amend  
21 the Full Funding Grant Agreement for said project to  
22 allow remaining Federal funds to be used to support com-  
23 pletion of the Airport Link extension of said project.

24 SEC. 166. Amounts provided for a high capacity fixed  
25 guideway light rail and mass transit project for the City

1 of Albuquerque, New Mexico, in Public Laws 106-69,  
2 106-346 and 107-87 shall be available for bus and bus  
3 facilities.

4 SEC. 167. Any unobligated amounts made available  
5 for the Commuter Rail, Albuquerque to Santa Fe, New  
6 Mexico under the heading "Capital Investment Grants"  
7 under the heading "Federal Transit Administration" in  
8 title I of division A of the Transportation, Treasury,  
9 Housing and Urban Development, the Judiciary, the Dis-  
10 trict of Columbia, and Independent Agencies Appropria-  
11 tions Act, 2006 (Public Law 109-115; 119 Stat. 2418)  
12 shall be made available for public transportation buses,  
13 equipment and facilities related to such buses, and inter-  
14 modal terminal in Albuquerque and Santa Fe, New Mex-  
15 ico, subject to the requirements under section 5309 of title  
16 49, United States Code.

17 SEC. 168. Notwithstanding any other provision of  
18 law, funds made available for the Las Vegas Resort Cor-  
19 ridor Fixed Guideway Project under the Federal Transit  
20 Administration Capital Investment Grants Account in any  
21 previous Appropriations Act, including Public Laws 108-  
22 7, 108-199, 108-447, and any unexpended funds in Fed-  
23 eral Transit Administration grant number NV-03-0019  
24 may hereafter be made available until expended to the Re-  
25 gional Transportation Commission of Southern Nevada

1 for bus rapid transit projects and bus and bus-related  
2 projects: *Provided*, That funds made available for a project  
3 in accordance with this section shall be administered  
4 under the terms and conditions set forth in 49 U.S.C.  
5 5307, to the extent applicable.

6 SEC. 169. The second sentence of section 321 of the  
7 Department of Transportation and Related Agencies Ap-  
8 propriations Act, 1986 (99 Stat. 1287) is repealed.

9 SEC. 170. None of the funds provided or limited  
10 under this Act may be used to issue a final regulation  
11 under section 5309 of title 49, United States Code, except  
12 that the Federal Transit Administration may continue to  
13 review comments received on the proposed rule (Docket  
14 No. FTA-2006-25737).

15 SEC. 171. Funds made available to the Putnam  
16 County, Florida for Ride Solutions buses and bus facilities  
17 in Public Laws 108-199, 108-447 and 109-115 that re-  
18 main unobligated may be available to Putnam County  
19 under the conditions of 49 U.S.C. 5312 to research, de-  
20 velop, fabricate, test, demonstrate, deploy and evaluate a  
21 low floor bus to meet the needs of Ride Solution in par-  
22 ticular, and small urban and rural operators in general.

23 SEC. 172. Of the balances available for this fiscal  
24 year to carry out 49 U.S.C. 5309(b) left to the discretion



\$104,697,038

1 of the Secretary of Transportation, ~~\$104,502,038~~ are re-  
2 scinded.

3 SEC. 173. Of the balances available for this fiscal  
4 year to carry out 49 U.S.C. 5339 left to the discretion  
5 of the Secretary of Transportation, ~~\$503,900~~ are re-  
6 scinded.

\$308,900

7 SAINT LAWRENCE SEAWAY DEVELOPMENT  
8 CORPORATION

9 The Saint Lawrence Seaway Development Corpora-  
10 tion is hereby authorized to make such expenditures, with-  
11 in the limits of funds and borrowing authority available  
12 to the Corporation, and in accord with law, and to make  
13 such contracts and commitments without regard to fiscal  
14 year limitations as provided by section 104 of the Govern-  
15 ment Corporation Control Act, as amended, as may be  
16 necessary in carrying out the programs set forth in the  
17 Corporation's budget for the current fiscal year.

18 OPERATIONS AND MAINTENANCE  
19 (HARBOR MAINTENANCE TRUST FUND)

20 For necessary expenses for operations and mainte-  
21 nance of those portions of the Saint Lawrence Seaway op-  
22 erated and maintained by the Saint Lawrence Seaway De-  
23 velopment Corporation, \$17,392,000, to be derived from  
24 the Harbor Maintenance Trust Fund, pursuant to Public  
25 Law 99-662.

## 1 MARITIME ADMINISTRATION

## 2 MARITIME SECURITY PROGRAM

3 For necessary expenses to maintain and preserve a  
4 U.S.-flag merchant fleet to serve the national security  
5 needs of the United States, \$156,000,000, to remain avail-  
6 able until expended.

## 7 OPERATIONS AND TRAINING

8 For necessary expenses of operations and training ac-  
9 tivities authorized by law, \$121,992,000, of which  
10 \$25,720,000 shall remain available until September 30,  
11 2008, for salaries and benefits of employees of the United  
12 States Merchant Marine Academy; of which \$14,139,000  
13 shall remain available until expended for capital improve-  
14 ments at the United States Merchant Marine Academy;  
15 and of which \$10,500,000 shall remain available until ex-  
16 pended for maintenance and repair of Schoolships at State  
17 Maritime Schools.

## 18 SHIP DISPOSAL

19 For necessary expenses related to the disposal of ob-  
20 solete vessels in the National Defense Reserve Fleet of the  
21 Maritime Administration, \$17,000,000, to remain avail-  
22 able until expended.

## 23 ASSISTANCE TO SMALL SHIPYARDS

24 To make grants for capital improvements and related  
25 infrastructure improvements at qualified shipyards that  
26 will facilitate the efficiency, cost-effectiveness, and quality

1 of domestic ship construction for commercial and Federal  
2 Government use as authorized under section 3506 of Pub-  
3 lic Law 109-163, \$10,000,000, to remain available until  
4 expended: *Provided*, That to be considered for assistance,  
5 a qualified shipyard shall submit an application for assist-  
6 ance no later than 60 days after enactment of this Act:  
7 *Provided further*, That from applications submitted under  
8 the previous proviso, the Secretary of Transportation shall  
9 make grants no later than 120 days after enactment of  
10 this Act in such amounts as the Secretary determines:  
11 *Provided further*, That not to exceed 2 percent of the funds  
12 appropriated under this heading shall be available for nec-  
13 essary costs of grant administration.

14 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

15 ACCOUNT

16 (INCLUDING TRANSFER OF FUNDS)

17 For the cost of guaranteed loans, as authorized,  
18 \$8,408,000, of which \$5,000,000 shall remain available  
19 until expended: *Provided*, That such costs, including the  
20 cost of modifying such loans, shall be as defined in section  
21 502 of the Congressional Budget Act of 1974, as amend-  
22 ed: *Provided further*, That not to exceed \$3,408,000 shall  
23 be available for administrative expenses to carry out the  
24 guaranteed loan program, which shall be transferred to  
25 and merged with the appropriation for "Operations and  
26 Training", Maritime Administration.

## 1 SHIP CONSTRUCTION

## 2 (RESCISSION)

3 Of the unobligated balances available under this  
4 heading, \$6,673,000 are rescinded.

## 5 ADMINISTRATIVE PROVISIONS—MARITIME

## 6 ADMINISTRATION

7 SEC. 175. Notwithstanding any other provision of  
8 this Act, the Maritime Administration is authorized to fur-  
9 nish utilities and services and make necessary repairs in  
10 connection with any lease, contract, or occupancy involving  
11 Government property under control of the Maritime Ad-  
12 ministration, and payments received therefor shall be cred-  
13 ited to the appropriation charged with the cost thereof:  
14 *Provided*, That rental payments under any such lease, con-  
15 tract, or occupancy for items other than such utilities,  
16 services, or repairs shall be covered into the Treasury as  
17 miscellaneous receipts.

18 SEC. 176. No obligations shall be incurred during the  
19 current fiscal year from the construction fund established  
20 by the Merchant Marine Act, 1936 (46 U.S.C. 53101 note  
21 (c)), or otherwise, in excess of the appropriations and  
22 limitations contained in this Act or in any prior appropria-  
23 tions Act.

## 1 PIPELINE AND HAZARDOUS MATERIALS SAFETY

## 2 ADMINISTRATION

## 3 ADMINISTRATIVE EXPENSES

4 For necessary administrative expenses of the Pipeline  
5 and Hazardous Materials Safety Administration,  
6 \$18,130,000, of which \$639,000 shall be derived from the  
7 Pipeline Safety Fund.

## 8 HAZARDOUS MATERIALS SAFETY

9 For expenses necessary to discharge the hazardous  
10 materials safety functions of the Pipeline and Hazardous  
11 Materials Safety Administration, \$28,000,000, of which  
12 \$1,761,000 shall remain available until September 30,  
13 2010: *Provided*, That up to \$1,200,000 in fees collected  
14 under 49 U.S.C. 5108(g) shall be deposited in the general  
15 fund of the Treasury as offsetting receipts: *Provided fur-*  
16 *ther*, That there may be credited to this appropriation, to  
17 be available until expended, funds received from States,  
18 counties, municipalities, other public authorities, and pri-  
19 vate sources for expenses incurred for training, for reports  
20 publication and dissemination, and for travel expenses in-  
21 curred in performance of hazardous materials exemptions  
22 and approvals functions.

## 1 PIPELINE SAFETY

2 (PIPELINE SAFETY FUND)

3 (OIL SPILL LIABILITY TRUST FUND)

4 For expenses necessary to conduct the functions of  
5 the pipeline safety program, for grants-in-aid to carry out  
6 a pipeline safety program, as authorized by 49 U.S.C.  
7 60107, and to discharge the pipeline program responsibil-  
8 ities of the Oil Pollution Act of 1990, \$79,828,000, of  
9 which \$18,810,000 shall be derived from the Oil Spill Li-  
10 ability Trust Fund and shall remain available until Sep-  
11 tember 30, 2010; of which \$61,018,000 shall be derived  
12 from the Pipeline Safety Fund, of which \$32,242,000  
13 shall remain available until September 30, 2010: *Provided*,  
14 That not less than \$1,043,000 of the funds provided under  
15 this heading shall be for the one-call State grant program.

## 16 EMERGENCY PREPAREDNESS GRANTS

17 (EMERGENCY PREPAREDNESS FUND)

18 For necessary expenses to carry out 49 U.S.C.  
19 5128(b), \$188,000, to be derived from the Emergency  
20 Preparedness Fund, to remain available until September  
21 30, 2009: *Provided*, That not more than \$28,318,000 shall  
22 be made available for obligation in fiscal year 2008 from  
23 amounts made available by 49 U.S.C. 5116(i) and  
24 5128(b)-(c): *Provided further*, That none of the funds  
25 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)

1 shall be made available for obligation by individuals other  
2 than the Secretary of Transportation, or her designee.

3 RESEARCH AND INNOVATIVE TECHNOLOGY

4 ADMINISTRATION

5 RESEARCH AND DEVELOPMENT

6 For necessary expenses of the Research and Innova-  
7 tive Technology Administration, \$12,000,000, of which  
8 \$6,036,000 shall remain available until September 30,  
9 2010: *Provided*, That there may be credited to this appro-  
10 priation, to be available until expended, funds received  
11 from States, counties, municipalities, other public authori-  
12 ties, and private sources for expenses incurred for train-  
13 ing.

14 OFFICE OF INSPECTOR GENERAL

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of Inspector  
17 General to carry out the provisions of the Inspector Gen-  
18 eral Act of 1978, as amended, \$66,400,000: *Provided*,  
19 That the Inspector General shall have all necessary au-  
20 thority, in carrying out the duties specified in the Inspec-  
21 tor General Act, as amended (5 U.S.C. App. 3), to inves-  
22 tigate allegations of fraud, including false statements to  
23 the government (18 U.S.C. 1001), by any person or entity  
24 that is subject to regulation by the Department: *Provided*  
25 *further*, That the funds made available under this heading

1 shall be used to investigate, pursuant to section 41712 of  
2 title 49, United States Code: (1) unfair or deceptive prac-  
3 tices and unfair methods of competition by domestic and  
4 foreign air carriers and ticket agents; and (2) the compli-  
5 ance of domestic and foreign air carriers with respect to  
6 item (1) of this proviso.

7 SURFACE TRANSPORTATION BOARD

8 SALARIES AND EXPENSES

9 For necessary expenses of the Surface Transpor-  
10 tation Board, including services authorized by 5 U.S.C.  
11 3109, \$26,324,500: *Provided*, That notwithstanding any  
12 other provision of law, not to exceed \$1,250,000 from fees  
13 established by the Chairman of the Surface Transpor-  
14 tation Board shall be credited to this appropriation as off-  
15 setting collections and used for necessary and authorized  
16 expenses under this heading: *Provided further*, That the  
17 sum herein appropriated from the general fund shall be  
18 reduced on a dollar-for-dollar basis as such offsetting col-  
19 lections are received during fiscal year 2008, to result in  
20 a final appropriation from the general fund estimated at  
21 no more than \$25,074,500.



1           GENERAL PROVISIONS—DEPARTMENT OF  
2                           TRANSPORTATION  
3                           (INCLUDING TRANSFERS OF FUNDS)

4       SEC. 180. During the current fiscal year applicable  
5 appropriations to the Department of Transportation shall  
6 be available for maintenance and operation of aircraft;  
7 hire of passenger motor vehicles and aircraft; purchase of  
8 liability insurance for motor vehicles operating in foreign  
9 countries on official department business; and uniforms or  
10 allowances therefor, as authorized by law (5 U.S.C. 5901–  
11 5902).

12       SEC. 181. Appropriations contained in this Act for  
13 the Department of Transportation shall be available for  
14 services as authorized by 5 U.S.C. 3109, but at rates for  
15 individuals not to exceed the per diem rate equivalent to  
16 the rate for an Executive Level IV.

17       SEC. 182. None of the funds in this Act shall be avail-  
18 able for salaries and expenses of more than 110 political  
19 and Presidential appointees in the Department of Trans-  
20 portation: *Provided*, That none of the personnel covered  
21 by this provision may be assigned on temporary detail out-  
22 side the Department of Transportation.

23       SEC. 183. None of the funds in this Act shall be used  
24 to implement section 404 of title 23, United States Code.

SC

[INCLUDING RESCISSIONS]

1       SEC. 184. (a) No recipient of funds made available  
2 in this Act shall disseminate personal information (as de-  
3 fined in 18 U.S.C. 2725(3)) obtained by a State depart-  
4 ment of motor vehicles in connection with a motor vehicle  
5 record as defined in 18 U.S.C. 2725(1), except as provided  
6 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.  
7 2721.

8       (b) Notwithstanding subsection (a), the Secretary  
9 shall not withhold funds provided in this Act for any  
10 grantee if a State is in noncompliance with this provision.

11       SEC. 185. Funds received by the Federal Highway  
12 Administration, Federal Transit Administration, and Fed-  
13 eral Railroad Administration from States, counties, mu-  
14 nicipalities, other public authorities, and private sources  
15 for expenses incurred for training may be credited respec-  
16 tively to the Federal Highway Administration's "Federal-  
17 Aid Highways" account, the Federal Transit Administra-  
18 tion's "Research and University Research Centers" ac-  
19 count, and to the Federal Railroad Administration's  
20 "Safety and Operations" account, except for State rail  
21 safety inspectors participating in training pursuant to 49  
22 U.S.C. 20105.

23       SEC. 186. Funds provided or limited in this Act  
24 under the appropriate accounts within the Federal High-  
25 way Administration, the Federal Railroad Administration

1 and the Federal Transit Administration shall be made  
2 available for the eligible programs, projects and activities  
3 at the level of 98 percent of the corresponding amounts  
4 identified in the explanatory statement accompanying this  
5 Act for the "Delta Regional Transportation Development  
6 Program", "Ferry Boats and Ferry Terminal Facilities",  
7 "Federal Lands", "Interstate Maintenance Discre-  
8 tionary", "Transportation and Community and System  
9 Preservation Program", "Rail Line Relocation and Im-  
10 provement Program", "Rail-highway Crossing Hazard  
11 Eliminations", "Alternatives Analysis", and "Bus and  
12 Bus Facilities": *Provided*, That amounts authorized within  
13 the Federal Highway Administration for fiscal year 2008  
14 for the Interstate Maintenance Discretionary program  
15 under section 118(c) of title 23, United States Code, the  
16 Ferry Boats and Ferry Terminal Facilities program under  
17 section 147 of title 23, United States Code (excluding the  
18 set-aside for projects on the National Highway System au-  
19 thorized by section 147(b) of such title), the Public Lands  
20 Highways Discretionary program under section  
21 202(b)(1)(A) of title 23, United States Code, and the  
22 Transportation, Community and System Preservation pro-  
23 gram under section 1117 of Public Law 109-59 in excess  
24 of the amounts so set aside for such programs, projects  
25 and activities in the explanatory statement accompanying

by the  
first  
clause  
of this  
section

1 this Act are rescinded: *Provided further*, That amounts au-  
2 thorized within the Federal Railroad Administration for  
3 fiscal year 2008 for Rail-highway Crossing Hazard Elim-  
4 nations under section 104(d)(2)(A) of title 23, United  
5 States Code (excluding the set-aside for certain improve-  
6 ments authorized by section 104(d)(2)(E) of such title),  
7 in excess of the amounts so set aside for such programs,  
8 projects and activities in the explanatory statement accom-  
9 panying this Act are rescinded.

by the  
first  
clause  
of this  
section

10 SEC. 187. Notwithstanding any other provisions of  
11 law, rule or regulation, the Secretary of Transportation  
12 is authorized to allow the issuer of any preferred stock  
13 heretofore sold to the Department to redeem or repur-  
14 chase such stock upon the payment to the Department of  
15 an amount determined by the Secretary.

16 SEC. 188. None of the funds in this Act to the De-  
17 partment of Transportation may be used to make a grant  
18 unless the Secretary of Transportation notifies the House  
19 and Senate Committees on Appropriations not less than  
20 3 full business days before any discretionary grant award,  
21 letter of intent, or full funding grant agreement totaling  
22 \$500,000 or more is announced by the department or its  
23 modal administrations from: (1) any discretionary grant  
24 program of the Federal Highway Administration including  
25 the emergency relief program; (2) the airport improvement

1 program of the Federal Aviation Administration; or (3)  
2 any program of the Federal Transit Administration other  
3 than the formula grants and fixed guideway modernization  
4 programs: *Provided*, That the Secretary gives concurrent  
5 notification to the House and Senate Committees on Ap-  
6 propriations for any “quick release” of funds from the  
7 emergency relief program: *Provided further*, That no noti-  
8 fication shall involve funds that are not available for obli-  
9 gation.

10 SEC. 189. Rebates, refunds, incentive payments,  
11 minor fees and other funds received by the Department  
12 of Transportation from travel management centers,  
13 charge card programs, the subleasing of building space,  
14 and miscellaneous sources are to be credited to appropria-  
15 tions of the Department of Transportation and allocated  
16 to elements of the Department of Transportation using  
17 fair and equitable criteria and such funds shall be avail-  
18 able until expended.

19 SEC. 190. Amounts made available in this or any  
20 other Act that the Secretary determines represent im-  
21 proper payments by the Department of Transportation to  
22 a third party contractor under a financial assistance  
23 award, which are recovered pursuant to law, shall be avail-  
24 able—

1           (1) to reimburse the actual expenses incurred  
2           by the Department of Transportation in recovering  
3           improper payments; and

4           (2) to pay contractors for services provided in  
5           recovering improper payments or contractor support  
6           in the implementation of the Improper Payments In-  
7           formation Act of 2002: *Provided*, That amounts in  
8           excess of that required for paragraphs (1) and (2)—

9           (A) shall be credited to and merged with  
10          the appropriation from which the improper pay-  
11          ments were made, and shall be available for the  
12          purposes and period for which such appropria-  
13          tions are available; or

14          (B) if no such appropriation remains avail-  
15          able, shall be deposited in the Treasury as mis-  
16          cellaneous receipts: *Provided*, That prior to the  
17          transfer of any such recovery to an appropria-  
18          tions account, the Secretary shall notify the  
19          House and Senate Committees on Appropria-  
20          tions of the amount and reasons for such trans-  
21          fer: *Provided further*, That for purposes of this  
22          section, the term “improper payments”, has the  
23          same meaning as that provided in section  
24          2(d)(2) of Public Law 107–300.

1       SEC. 191. (a) Funds provided in Public Law 102–  
2 143 in the item relating to “Highway Bypass Demonstra-  
3 tion Project” shall be available for the improvement of  
4 Route 101 in the vicinity of Prunedale, Monterey County,  
5 California.

6       (b) Funds provided under section 378 of the Depart-  
7 ment of Transportation and Related Agencies Appropria-  
8 tions Act, 2001 (Public Law 106–346, 114 Stat. 1356,  
9 1356A–41), for the reconstruction of School Road East  
10 in Marlboro Township, New Jersey, shall be available for  
11 the Spring Valley Road Project in Marlboro Township,  
12 New Jersey.

13       (c) Notwithstanding any other provision of law, of the  
14 unexpended balance of funds made available in title I,  
15 chapter III, of Public Law 97–216 (96 Stat. 180, 187)  
16 under the heading “Federal-aid Highway Program” to  
17 execute contracts to replace or rehabilitate highway  
18 bridges, as designated on page 19 of House Report 97–  
19 632, \$5,000,000 shall be made available for East Chicago  
20 Road Reconstruction, East Chicago, Indiana, and the re-  
21 maining unexpended funds shall be made available for Cal-  
22 umet Avenue Grade Separation, Munster, Indiana.

23       (d) Of the unobligated balance appropriated under  
24 the heading “Highway Demonstration Projects” in title  
25 I of Public Law 102–143 (105 Stat. 929) that was allo-

1 cated for Routes 70/38 Circle Elimination, New Jersey,  
2 \$1,500,000 shall be transferred to, and made available for,  
3 the Delaware Street Bridge Replacement Project,  
4 (CR640) Bridge over Mathews Branch in West Deptford  
5 Township, New Jersey.

6 SEC. 192. Notwithstanding any other provision of  
7 law, if any funds provided in or limited by this Act are  
8 subject to a reprogramming action that requires notice to  
9 be provided to the House and Senate Committees on Ap-  
10 propriations, said reprogramming action shall be approved  
11 or denied solely by the Committees on Appropriations:  
12 *Provided*, That the Secretary may provide notice to other  
13 congressional committees of the action of the Committees  
14 on Appropriations on such reprogramming but not sooner  
15 than 30 days following the date on which the reprogram-  
16 ming action has been approved or denied by the House  
17 and Senate Committees on Appropriations.

18 SEC. 193. (a) None of the funds appropriated or oth-  
19 erwise made available under this Act to the Surface Trans-  
20 portation Board of the Department of Transportation may  
21 be used to take any action to allow any activity described  
22 in subsection (b) in a case, matter, or declaratory order  
23 involving a railroad, or an entity claiming or seeking au-  
24 thority to operate as a railroad, unless the Board receives  
25 written assurance from the Governor, or the Governor's



1 designee, of the State in which such activity will occur that  
2 such railroad or entity has agreed to comply with State  
3 and local regulations that establish public health, safety,  
4 and environmental standards for the activities described  
5 in subsection (b), other than zoning laws or regulations.

6 (b) Activities referred to in subsection (a) are activi-  
7 ties that occur at a solid waste rail transfer facility involv-  
8 ing—

9 (1) the collection, storage, or transfer of solid  
10 waste (as defined in section 1004 of the Solid Waste  
11 Disposal Act (42 U.S.C. 6903)) outside of original  
12 shipping containers; or

13 (2) the separation or processing of solid waste  
14 (including baling, crushing, compacting, and shred-  
15 ding).

16 SEC. 194. None of the funds appropriated or other-  
17 wise made available under this Act may be used by the  
18 Surface Transportation Board of the Department of  
19 Transportation to charge or collect any filing fee for rate  
20 complaints filed with the Board in an amount in excess  
21 of the amount authorized for district court civil suit filing  
22 fees under section 1914 of title 28, United States Code.

23 SEC. 195. Not later than 30 days after the date of  
24 enactment of this Act, the Secretary of Transportation

1 shall establish and maintain on the homepage of the Inter-  
2 net website of the Department of Transportation—

3 (1) a direct link to the Internet website of the  
4 Office of Inspector General of the Department of  
5 Transportation; and

6 (2) a mechanism by which individuals may  
7 anonymously report cases of waste, fraud, or abuse  
8 with respect to the Department of Transportation.

9 SEC. 196. None of the funds appropriated or other-  
10 wise made available by this Act may be obligated or ex-  
11 pended by the Administrator of the Federal Aviation Ad-  
12 ministration to displace, reassign, reduce the salary of, or  
13 subject to a reduction in force any employee at the Acad-  
14 emy or discontinue the use of the FAA Academy as the  
15 primary training facility for air traffic controller training  
16 as a result of implementing the Air Traffic Control Opti-  
17 mum Training Solution in its entirety, prior to September  
18 30, 2008.

19 SEC. 197. PROHIBITION ON IMPOSITION AND COL-  
20 LECTION OF TOLLS ON CERTAIN HIGHWAYS CON-  
21 STRUCTED USING FEDERAL FUNDS. (a) DEFINITIONS.—  
22 In this section:

23 (1) FEDERAL HIGHWAY FACILITY.—

24 (A) IN GENERAL.—The term “Federal  
25 highway facility” means—

1 (i) any highway, bridge, or tunnel on  
2 the Interstate System that is constructed  
3 using Federal funds; or

4 (ii) any United States highway.

5 (B) EXCLUSION.—The term “Federal  
6 highway facility” does not include any right-of-  
7 way for any highway, bridge, or tunnel de-  
8 scribed in subparagraph (A).

9 (2) TOLLING PROVISION.—The term “tolling  
10 provision” means section 1216(b) of the Transpor-  
11 tation Equity Act for the 21st Century (23 U.S.C.  
12 129 note; 112 Stat. 212);

13 (b) PROHIBITION.—

14 (1) IN GENERAL.—None of the funds made  
15 available by this Act shall be used to consider or ap-  
16 prove an application to permit the imposition or col-  
17 lection of any toll on any portion of a Federal high-  
18 way facility in the State of Texas—

19 (A)(i) that is in existence on the date of  
20 enactment of this Act; and

21 (ii) on which no toll is imposed or collected  
22 under a tolling provision on that date of enact-  
23 ment; or

24 (B) that would result in the Federal high-  
25 way facility having fewer non-toll lanes than be-

1           fore the date on which the toll was first im-  
2           posed or collected.

3           (2) EXEMPTION.—Paragraph (1) shall not  
4           apply to the imposition or collection of a toll on a  
5           Federal highway facility—

6                   (A) on which a toll is imposed or collected  
7                   under a tolling provision on the date of enact-  
8                   ment of this Act; or

9                   (B) that is constructed, under construc-  
10                  tion, or the subject of an application for con-  
11                  struction submitted to the Secretary, after the  
12                  date of enactment of this Act.

13          (c) STATE BUY-BACK.—None of the funds made  
14          available by this Act shall be used to impose or collect  
15          a toll on a Federal highway facility in the State of Texas  
16          that is purchased by the State of Texas on or after the  
17          date of enactment of this Act.

18          SEC. 198. Notwithstanding any other provision of  
19          law, the funding made available for the Schuylkill Valley  
20          Metro project through the Department of Transportation  
21          Appropriations Acts for Federal Fiscal Years 2004 and  
22          2005 shall remain available for that project during fiscal  
23          year 2008.

24          This title may be cited as the “Department of Trans-  
25          portation Appropriations Act, 2008”.

1 TITLE II  
2 DEPARTMENT OF HOUSING AND URBAN  
3 DEVELOPMENT  
4 EXECUTIVE DIRECTION

5 For necessary salaries and expenses for Executive Di-  
6 rection, \$24,980,000, of which not to exceed \$3,930,000  
7 shall be available for the immediate Office of the Secretary  
8 and Deputy Secretary; not to exceed \$1,580,000 shall be  
9 available for the Office of Hearings and Appeals; not to  
10 exceed \$510,000 shall be available for the Office of Small  
11 and Disadvantaged Business Utilization, not to exceed  
12 \$725,000 shall be available for the immediate Office of  
13 the Chief Financial Officer; not to exceed \$1,155,000 shall  
14 be available for the immediate Office of the General Coun-  
15 sel; not to exceed \$2,670,000 shall be available to the Of-  
16 fice of the Assistant Secretary for Congressional and  
17 Intergovernmental Relations; not to exceed \$2,520,000  
18 shall be for the Office of the Assistant Secretary for Public  
19 Affairs; not to exceed \$1,630,000 shall be available for  
20 the Office of the Assistant Secretary for Administration;  
21 not to exceed \$1,620,000 shall be available to the Office  
22 of the Assistant Secretary for Public and Indian Housing;  
23 not to exceed \$1,520,000 shall be available to the Office  
24 of the Assistant Secretary for Community Planning and  
25 Development; not to exceed \$3,600,000 shall be available

1 to the Office of the Assistant Secretary for Housing, Fed-  
2 eral Housing Commissioner; not to exceed \$1,570,000  
3 shall be available to the Office of the Assistant Secretary  
4 for Policy Development and Research; and not to exceed  
5 \$1,950,000 shall be available to the Office of the Assistant  
6 Secretary for Fair Housing and Equal Opportunity: Pro-  
7 vided, That the Secretary of the Department of Housing  
8 and Urban Development is authorized to transfer funds  
9 appropriated for any office funded under this heading to  
10 any other office funded under this heading following the  
11 written notification to the House and Senate Committees  
12 on Appropriations: Provided further, That no appropria-  
13 tion for any office shall be increased or decreased by more  
14 than 5 percent by all such transfers: Provided further,  
15 That notice of any change in funding greater than 5 per-  
16 cent shall be submitted for prior approval to the House  
17 and Senate Committees on Appropriations: Provided fur-  
18 ther, That the Secretary shall provide the Committees on  
19 Appropriations quarterly written notification regarding  
20 the status of pending congressional reports: Provided fur-  
21 ther, That not to exceed \$25,000 of the amount made  
22 available under this paragraph for the immediate Office  
23 of the Secretary shall be available for official reception and  
24 representation expenses as the Secretary may determine.

## 1       ADMINISTRATION, OPERATIONS AND MANAGEMENT

2       For necessary salaries and expenses for administra-  
3       tion, operations and management for the Department of  
4       Housing and Urban Development, \$493,630,000, of which  
5       not to exceed \$69,070,000 shall be available for the per-  
6       sonnel compensation and benefits of the Office of Adminis-  
7       tration; not to exceed \$10,630,000 shall be available for  
8       the personnel compensation and benefits of the Office of  
9       Departmental Operations and Coordination; not to exceed  
10      \$51,300,000 shall be available for the personnel com-  
11      pensation and benefits of the Office of Field Policy and  
12      Management; not to exceed \$12,370,000 shall be available  
13      for the personnel compensation and benefits of the Office  
14      of the Chief Procurement Officer; not to exceed  
15      \$31,600,000 shall be available for the personnel com-  
16      pensation and benefits of the remaining staff in the Office  
17      of the Chief Financial Officer; not to exceed \$80,670,000  
18      shall be available for the personnel compensation and ben-  
19      efits of the remaining staff of the Office of the General  
20      Counsel; not to exceed \$2,810,000 shall be available for  
21      the personnel compensation and benefits of the Office of  
22      Departmental Equal Employment Opportunity; not to ex-  
23      ceed \$1,160,000 shall be available for the personnel com-  
24      pensation and benefits for the Center for Faith-Based and  
25      Community Initiatives; not to exceed \$234,020,000 shall

1 be available for non-personnel expenses of the Department  
2 of Housing and Urban Development: Provided, That,  
3 funds provided under the heading may be used for nec-  
4 essary administrative and non-administrative expenses of  
5 the Department of Housing and Urban Development, not  
6 otherwise provided for, including purchase of uniforms, or  
7 allowances therefor, as authorized by 5 U.S.C. 5901-  
8 5902; hire of passenger motor vehicles; services as author-  
9 ized by 5 U.S.C. 3109: Provided further, That notwith-  
10 standing any other provision of law, funds appropriated  
11 under this heading may be used for advertising and pro-  
12 motional activities that support the housing mission area:  
13 Provided further, That the Secretary of Housing and  
14 Urban Development is authorized to transfer funds appro-  
15 priated for any office included in Administration, Oper-  
16 ations and Management to any other office included in Ad-  
17 ministration, Operations and Management only after such  
18 transfer has been submitted to, and received prior written  
19 approval by, the House and Senate Committees on Appro-  
20 priations: Provided further, That no appropriation for any  
21 office shall be increased or decreased by more than ten  
22 percent by all such transfers.



## 1 PUBLIC AND INDIAN HOUSING PERSONNEL

## 2 COMPENSATION AND BENEFITS

3 For necessary personnel compensation and benefits  
4 expenses of the Office of Public and Indian Housing,  
5 \$173,310,000.

## 6 COMMUNITY PLANNING AND DEVELOPMENT PERSONNEL

## 7 COMPENSATION AND BENEFITS

8 For necessary personnel compensation and benefits  
9 expenses of the Office of Community Planning and Devel-  
10 opment mission area, \$90,310,000.

## 11 HOUSING PERSONNEL COMPENSATION AND BENEFITS

12 For necessary personnel compensation and benefits  
13 expenses of the Office of Housing, \$334,450,000.

## 14 OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE

## 15 ASSOCIATION

## 16 PERSONNEL COMPENSATION AND BENEFITS

17 For necessary personnel compensation and benefits  
18 expenses of the Office of the Government National Mort-  
19 gage Association, \$8,250,000.

## 20 POLICY DEVELOPMENT AND RESEARCH PERSONNEL

## 21 COMPENSATION AND BENEFITS

22 For necessary personnel compensation and benefits  
23 expenses of the Office of Policy Development and Re-  
24 search, \$16,950,000.

## 1 FAIR HOUSING AND EQUAL OPPORTUNITY PERSONNEL

## 2 COMPENSATION AND BENEFITS

3 For necessary personnel compensation and benefits  
4 expenses of the Office of Fair Housing and Equal Oppor-  
5 tunity, \$63,140,000.

## 6 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

## 7 CONTROL

## 8 PERSONNEL COMPENSATION AND BENEFITS

9 For necessary personnel compensation and benefits  
10 expenses of the Office of Healthy Homes and Lead Haz-  
11 ard Control, \$6,980,000.

## 12 PUBLIC AND INDIAN HOUSING

## 13 TENANT-BASED RENTAL ASSISTANCE

## 14 (INCLUDING TRANSFER OF FUNDS)

15 For activities and assistance for the provision of ten-  
16 ant-based rental assistance authorized under the United  
17 States Housing Act of 1937, as amended (42 U.S.C. 1437  
18 et seq.) ("the Act" herein), not otherwise provided for,  
19 \$16,391,000,000, to remain available until expended, of  
20 which \$12,233,000,000 shall be available on October 1,  
21 2007, and \$4,158,000,000 shall be available on October  
22 1, 2008: *Provided*, That the amounts made available under  
23 this heading are provided as follows:

24 (1) \$14,694,506,000 for renewals of expiring  
25 section 8 tenant-based annual contributions con-  
26 tracts (including renewals of enhanced vouchers

1 under any provision of law authorizing such assist-  
2 ance under section 8(t) of the Act): *Provided*, That  
3 notwithstanding any other provision of law, from  
4 amounts provided under this paragraph and any car-  
5 ryover, the Secretary for the calendar year 2008  
6 funding cycle shall provide renewal funding for each  
7 public housing agency based on voucher manage-  
8 ment system (VMS) leasing and cost data for the  
9 most recent Federal fiscal year and by applying the  
10 2008 Annual Adjustment Factor as established by  
11 the Secretary, and by making any necessary adjust-  
12 ments for the costs associated with deposits to fam-  
13 ily self-sufficiency program escrow accounts or the  
14 first-time renewal of tenant protection or HOPE VI  
15 vouchers or vouchers that were not in use during the  
16 12-month period in order to be available to meet a  
17 commitment pursuant to section 8(o)(13) of the Act:  
18 *Provided further*, That notwithstanding the first pro-  
19 viso, except for applying the 2008 Annual Adjust-  
20 ment Factor and making any other specified adjust-  
21 ments, public housing agencies specified in category  
22 1 below shall receive funding for calendar year 2008  
23 based on the higher of the amounts the agencies  
24 would receive under the first proviso or the amounts  
25 the agencies received in calendar year 2007, and

1 public housing agencies specified in categories 2 and  
2 3 below shall receive funding for calendar year 2008  
3 equal to the amounts the agencies received in cal-  
4 endar year 2007, except that public housing agencies  
5 specified in categories 1 and 2 below shall receive  
6 funding under this proviso only if, and to the extent  
7 that, any such public housing agency submits a plan,  
8 approved by the Secretary, that demonstrates that  
9 the agency can effectively use within 12 months the  
10 funding that the agency would receive under this  
11 proviso that is in addition to the funding that the  
12 agency would receive under the first proviso: (1)  
13 public housing agencies that are eligible for assist-  
14 ance under section 901 in Public Law 109-148 (119  
15 Stat. 2781) or are located in the same counties as  
16 those eligible under section 901 and operate voucher  
17 programs under section 8(o) of the United States  
18 Housing Act of 1937 but do not operate public  
19 housing under section 9 of such Act, and any public  
20 housing agency that otherwise qualifies under this  
21 category must demonstrate that they have experi-  
22 enced a loss of rental housing stock as a result of  
23 the 2005 hurricanes; (2) public housing agencies  
24 that would receive less funding under the first pro-  
25 viso than they would receive under this proviso and

1       that have been placed in receivership within the 24  
2       months preceding the date of enactment of this Act;  
3       and (3) public housing agencies that spent more in  
4       calendar year 2007 than the total of the amounts of  
5       any such public housing agency's allocation amount  
6       for calendar year 2007 and the amount of any such  
7       public housing agency's available housing assistance  
8       payments undesignated funds balance from calendar  
9       year 2006 and the amount of any such public hous-  
10      ing agency's available administrative fees undesign-  
11      ated funds balance through calendar year 2007:  
12      *Provided further,* That notwithstanding the first two  
13      provisos under this paragraph, the amount of cal-  
14      endar year 2008 renewal funding for any agency  
15      otherwise authorized under such provisos shall be re-  
16      duced by the amount of any unusable amount (as  
17      determined by the Secretary, due to limits in this  
18      paragraph with respect to an agency's authorized  
19      level of units under contract) in such agency's net  
20      restricted assets account, in accordance with the  
21      most recent VMS data in calendar year 2007 that  
22      is verifiable and complete, which exceeds 7 percent  
23      of the amount of renewal funding allocated to the  
24      agency for the calendar year 2007 funding cycle pur-  
25      suant to section 21033 of Public Law 110-5, as

1       amended by section 4802 of Public Law 110-28:  
2       *Provided further*, That up to \$50,000,000 shall be  
3       available only: (1) to adjust the allocations for public  
4       housing agencies, after application for an adjust-  
5       ment by a public housing agency that experienced a  
6       significant increase, as determined by the Secretary,  
7       in renewal costs from portability under section 8(r)  
8       of the Act of tenant-based rental assistance; and (2)  
9       for adjustments for public housing agencies with  
10      voucher leasing rates at the end of the calendar year  
11      that exceed the average leasing for the 12-month pe-  
12      riod used to establish the allocation: *Provided fur-*  
13      *ther*, That none of the funds provided under this  
14      paragraph may be used to support a total number  
15      of unit months under lease which exceeds a public  
16      housing agency's authorized level of units under con-  
17      tract: *Provided further*, That the Secretary shall, to  
18      the extent necessary to stay within the amount spec-  
19      ified under this paragraph, after subtracting  
20      \$723,257,000 from such amount, pro rate each pub-  
21      lic housing agency's allocation otherwise established  
22      pursuant to this paragraph: *Provided further*, That  
23      except as provided in the last proviso, the entire  
24      amount specified under this paragraph, except for  
25      \$723,257,000 shall be obligated to the public hous-

1       ing agencies based on the allocation and pro rata  
2       method described above and the Secretary shall no-  
3       tify public housing agencies of their annual budget  
4       not later than 60 days after enactment of this Act:  
5       *Provided further*, That the Secretary may extend the  
6       60 day notification period with the written approval  
7       of the House and Senate Committees on Appropria-  
8       tions: *Provided further*, That public housing agencies  
9       participating in the Moving to Work demonstration  
10      shall be funded pursuant to their Moving to Work  
11      agreements and shall be subject to the same pro  
12      rata adjustments under the previous proviso;

13           (2) \$200,000,000 for section 8 rental assistance  
14      for relocation and replacement of housing units that  
15      are demolished or disposed of pursuant to the Omni-  
16      bus Consolidated Rescissions and Appropriations Act  
17      of 1996 (Public Law 104-134), conversion of section  
18      23 projects to assistance under section 8, the family  
19      unification program under section 8(x) of the Act,  
20      relocation of witnesses in connection with efforts to  
21      combat crime in public and assisted housing pursu-  
22      ant to a request from a law enforcement or prosecu-  
23      tion agency, enhanced vouchers under any provision  
24      of law authorizing such assistance under section 8(t)  
25      of the Act, HOPE VI vouchers, mandatory and vol-

1        untary conversions, and tenant protection assistance  
2        including replacement and relocation assistance: *Pro-*  
3        *vided*, That the Secretary shall provide replacement  
4        vouchers for all units that were occupied within the  
5        previous 24 months that cease to be available as as-  
6        sisted housing due to demolition, disposition, or con-  
7        version, subject only to the availability of funds;

8            (3) \$49,000,000 for family self-sufficiency coor-  
9        dinators under section 23 of the Act;

10           (4) up to \$6,494,000 may be transferred to the  
11        Working Capital Fund;

12           (5) \$1,351,000,000 for administrative and  
13        other expenses of public housing agencies in admin-  
14        istering the section 8 tenant-based rental assistance  
15        program and which up to \$35,000,000 shall be  
16        available to the Secretary to allocate to public hous-  
17        ing agencies that need additional funds to admin-  
18        ister their section 8 programs, with up to  
19        \$30,000,000 to be for fees associated with section 8  
20        tenant protection rental assistance: *Provided*, That  
21        no less than \$1,316,000,000 of the amount provided  
22        in this paragraph shall be allocated for the calendar  
23        year 2008 funding cycle on a basis to public housing  
24        agencies as provided in section 8(q) of the Act as in  
25        effect immediately before the enactment of the Qual-



1       ity Housing and Work Responsibility Act of 1998  
2       (Public Law 105-276);

3           (6) \$20,000,000 for incremental voucher assist-  
4       ance through the Family Unification Program;

5           (7) \$75,000,000 for incremental rental voucher  
6       assistance for use through a supported housing pro-  
7       gram administered in conjunction with the Depart-  
8       ment of Veterans Affairs as authorized under section  
9       8(o)(19) of the United States Housing Act of 1937:  
10      *Provided*, That the Secretary of Housing and Urban  
11      Development shall make such funding available, not-  
12      withstanding section 204 (competition provision) of  
13      this title, to public housing agencies that partner  
14      with eligible VA Medical Centers or other entities as  
15      designated by the Secretary of the Department of  
16      Veterans Affairs, based on geographical need for  
17      such assistance as identified by the Secretary of the  
18      Department of Veterans Affairs, public housing  
19      agency administrative performance, and other fac-  
20      tors as specified by the Secretary of Housing and  
21      Urban Development in consultation with the Sec-  
22      retary of the Department of Veterans Affairs: *Pro-*  
23      *vided further*, That the Secretary of Housing and  
24      Urban Development may waive, or specify alter-  
25      native requirements for (in consultation with the

1 Secretary of the Department of Veterans Affairs),  
2 any provision of any statute or regulation that the  
3 Secretary of Housing and Urban Development ad-  
4 ministers in connection with the use of funds made  
5 available under this paragraph (except for require-  
6 ments related to fair housing, nondiscrimination,  
7 labor standards, and the environment), upon a find-  
8 ing by the Secretary that any such waivers or alter-  
9 native requirements are necessary for the effective  
10 delivery and administration of such voucher assist-  
11 ance: *Provided further*, That assistance made avail-  
12 able under this paragraph shall continue to remain  
13 available for homeless veterans upon turn-over; and  
14 (8) \$30,000,000 for incremental vouchers under  
15 section 8 of the Act for nonelderly disabled families  
16 affected by the designation of a public housing devel-  
17 opment under section 7 of the Act, the establishment  
18 of preferences in accordance with section 651 of the  
19 Housing and Community Development Act of 1992  
20 (42 U.S.C. 13611), or the restriction of occupancy  
21 to elderly families in accordance with section 658 of  
22 such Act (42 U.S.C. 13618), and to the extent the  
23 Secretary determines that such amount is not need-  
24 ed to fund applications for such affected families, for  
25 other nonelderly disabled families.

## 1 HOUSING CERTIFICATE FUND

## 2 (RESCISSION)

3 Of the unobligated balances, including recaptures and  
4 carryover, remaining from funds appropriated to the De-  
5 partment of Housing and Urban Development under this  
6 heading, the heading "Annual Contributions for Assisted  
7 Housing", the heading "Tenant-Based Rental Assist-  
8 ance", and the heading "Project-Based Rental Assist-  
9 ance", for fiscal year 2007 and prior years,  
10 \$1,250,000,000 are rescinded, to be effected by the Sec-  
11 retary of Housing and Urban Development no later than  
12 September 30, 2008: *Provided*, That if insufficient funds  
13 exist under these headings, the remaining balance may be  
14 derived from any other heading under this title: *Provided*  
15 *further*, That the Secretary shall notify the Committees  
16 on Appropriations 30 days in advance of the rescission of  
17 any funds derived from the headings specified above: *Pro-*  
18 *vided further*, That any such balances governed by re-  
19 allocation provisions under the statute authorizing the  
20 program for which the funds were originally appropriated  
21 shall be available for the rescission: *Provided further*, That  
22 any obligated balances of contract authority from fiscal  
23 year 1974 and prior that have been terminated shall be  
24 cancelled.

1 PROJECT-BASED RENTAL ASSISTANCE  
2 (INCLUDING TRANSFER OF FUNDS)

3 For activities and assistance for the provision of  
4 project-based subsidy contracts under the United States  
5 Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the  
6 Act"), not otherwise provided for, \$6,381,810,000, to re-  
7 main available until expended: *Provided*, That the  
8 amounts made available under this heading are provided  
9 as follows:

10 (1) Up to \$6,139,122,000 for expiring or termi-  
11 nating section 8 project-based subsidy contracts (in-  
12 cluding section 8 moderate rehabilitation contracts),  
13 for amendments to section 8 project-based subsidy  
14 contracts (including section 8 moderate rehabilita-  
15 tion contracts), for contracts entered into pursuant  
16 to section 441 of the McKinney-Vento Homeless As-  
17 sistance Act (42 U.S.C. 11401), for renewal of sec-  
18 tion 8 contracts for units in projects that are subject  
19 to approved plans of action under the Emergency  
20 Low Income Housing Preservation Act of 1987 or  
21 the Low-Income Housing Preservation and Resident  
22 Homeownership Act of 1990, and for administrative  
23 and other expenses associated with project-based ac-  
24 tivities and assistance funded under this paragraph.

25 (2) Not less than \$238,728,000 but not to ex-  
26 ceed \$286,230,000 for performance-based contract

1 administrators for section 8 project-based assistance:  
2 *Provided*, That the Secretary of Housing and Urban  
3 Development may also use such amounts for per-  
4 formance-based contract administrators for: interest  
5 reduction payments pursuant to section 236(a) of  
6 the National Housing Act (12 U.S.C. 1715z-1(a));  
7 rent supplement payments pursuant to section 101  
8 of the Housing and Urban Development Act of 1965  
9 (12 U.S.C. 1701s); section 236(f)(2) rental assist-  
10 ance payments (12 U.S.C. 1715z-1(f)(2)); project  
11 rental assistance contracts for the elderly under sec-  
12 tion 202(c)(2) of the Housing Act of 1959 (12  
13 U.S.C. 1701q); project rental assistance contracts  
14 for supportive housing for persons with disabilities  
15 under section 811(d)(2) of the Cranston-Gonzalez  
16 National Affordable Housing Act (42 U.S.C.  
17 8013(d)(2)); project assistance contracts pursuant to  
18 section 202(h) of the Housing Act of 1959 (Public  
19 Law 86-372; 73 Stat. 667); and loans under section  
20 202 of the Housing Act of 1959 (Public Law 86-  
21 372; 73 Stat. 667).

22 (3) Not to exceed \$3,960,000 may be trans-  
23 ferred to the Working Capital Fund.

24 (4) Amounts recaptured under this heading, the  
25 heading "Annual Contributions for Assisted Hous-

1       ing”, or the heading “Housing Certificate Fund”  
2       may be used for renewals of or amendments to sec-  
3       tion 8 project-based contracts or for performance-  
4       based contract administrators, notwithstanding the  
5       purposes for which such amounts were appropriated.

6                   PUBLIC HOUSING CAPITAL FUND

7                   (INCLUDING TRANSFER OF FUNDS)

8       For the Public Housing Capital Fund Program to  
9       carry out capital and management activities for public  
10      housing agencies, as authorized under section 9 of the  
11      United States Housing Act of 1937 (42 U.S.C. 1437g)  
12      (the “Act”) \$2,438,964,000, to remain available until  
13      September 30, 2011: *Provided*, That notwithstanding any  
14      other provision of law or regulation, during fiscal year  
15      2008 the Secretary of Housing and Urban Development  
16      may not delegate to any Department official other than  
17      the Deputy Secretary and the Assistant Secretary for  
18      Public and Indian Housing any authority under paragraph  
19      (2) of section 9(j) regarding the extension of the time peri-  
20      ods under such section: *Provided further*, That for pur-  
21      poses of such section 9(j), the term “obligate” means, with  
22      respect to amounts, that the amounts are subject to a  
23      binding agreement that will result in outlays, immediately  
24      or in the future: *Provided further*, That of the total  
25      amount provided under this heading, up to \$12,000,000  
26      shall be for carrying out activities under section 9(h) of

1 such Act; not to exceed \$16,847,000 may be transferred  
2 to the Working Capital Fund; and up to \$15,345,000 shall  
3 be to support the ongoing Public Housing Financial and  
4 Physical Assessment activities of the Real Estate Assess-  
5 ment Center (REAC): *Provided further*, That no funds  
6 may be used under this heading for the purposes specified  
7 in section 9(k) of the Act: *Provided further*, That of the  
8 total amount provided under this heading, not to exceed  
9 \$18,500,000 shall be available for the Secretary to make  
10 grants, notwithstanding section 204 of this Act, to public  
11 housing agencies for emergency capital needs resulting  
12 from unforeseen or unpreventable emergencies and nat-  
13 ural disasters occurring in fiscal year 2008: *Provided fur-*  
14 *ther*, That of the total amount provided under this head-  
15 ing, \$40,000,000 shall be for supportive services, service  
16 coordinators and congregate services as authorized by sec-  
17 tion 34 of the Act (42 U.S.C. 1437z-6) and the Native  
18 American Housing Assistance and Self-Determination Act  
19 of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That  
20 of the total amount provided under this heading up to  
21 \$8,820,000 is to support the costs of administrative and  
22 judicial receiverships: *Provided further*, That from the  
23 funds made available under this heading, the Secretary  
24 shall provide bonus awards in fiscal year 2008 to public  
25 housing agencies that are designated high performers.

## 1 PUBLIC HOUSING OPERATING FUND

2 For 2008 payments to public housing agencies for the  
3 operation and management of public housing, as author-  
4 ized by section 9(e) of the United States Housing Act of  
5 1937 (42 U.S.C. 1437g(e)), \$4,200,000,000; of which  
6 \$5,940,000 shall be for competitive grants and contracts  
7 to third parties for the provision of technical assistance  
8 to public housing agencies related to the transition and  
9 implementation of asset-based management in public  
10 housing: *Provided*, That, in fiscal year 2008 and all fiscal  
11 years hereafter, no amounts under this heading in any ap-  
12 propriations Act may be used for payments to public hous-  
13 ing agencies for the costs of operation and management  
14 of public housing for any year prior to the current year  
15 of such Act: *Provided further*, That no funds may be used  
16 under this heading for the purposes specified in section  
17 9(k) of the United States Housing Act of 1937.

## 18 REVITALIZATION OF SEVERELY DISTRESSED PUBLIC

## 19 HOUSING (HOPE VI)

20 For grants to public housing agencies for demolition,  
21 site revitalization, replacement housing, and tenant-based  
22 assistance grants to projects as authorized by section 24  
23 of the United States Housing Act of 1937 (42 U.S.C.  
24 1437v), \$100,000,000, to remain available until Sep-  
25 tember 30, 2008, of which the Secretary of Housing and  
26 Urban Development shall use \$2,400,000 for technical as-



1 sistance and contract expertise, to be provided directly or  
2 indirectly by grants, contracts or cooperative agreements,  
3 including training and cost of necessary travel for partici-  
4 pants in such training, by or to officials and employees  
5 of the department and of public housing agencies and to  
6 residents: *Provided*, That none of such funds shall be used  
7 directly or indirectly by granting competitive advantage in  
8 awards to settle litigation or pay judgments, unless ex-  
9 pressly permitted herein.

10 NATIVE AMERICAN HOUSING BLOCK GRANTS

11 For the Native American Housing Block Grants pro-  
12 gram, as authorized under title I of the Native American  
13 Housing Assistance and Self-Determination Act of 1996  
14 (NAHASDA) (25 U.S.C. 4111 et seq.), \$630,000,000, to  
15 remain available until expended: *Provided*, That, notwith-  
16 standing the Native American Housing Assistance and  
17 Self-Determination Act of 1996, to determine the amount  
18 of the allocation under title I of such Act for each Indian  
19 tribe, the Secretary shall apply the formula under section  
20 302 of such Act with the need component based on single-  
21 race Census data and with the need component based on  
22 multi-race Census data, and the amount of the allocation  
23 for each Indian tribe shall be the greater of the two result-  
24 ing allocation amounts: *Provided further*, That of the  
25 amounts made available under this heading, \$2,000,000  
26 shall be contracted for assistance for a national organiza-

1 tion representing Native American Housing interests for  
2 providing training and technical assistance to Indian  
3 Housing authorities and tribally designated housing enti-  
4 ties as authorized under NAHASDA; and \$4,250,000  
5 shall be to support the inspection of Indian housing units,  
6 contract expertise, training, and technical assistance in  
7 the training, oversight, and management of such Indian  
8 housing and tenant-based assistance, including up to  
9 \$300,000 for related travel: *Provided further*, That of the  
10 amount provided under this heading, \$1,980,000 shall be  
11 made available for the cost of guaranteed notes and other  
12 obligations, as authorized by title VI of NAHASDA: *Pro-*  
13 *vided further*, That such costs, including the costs of modi-  
14 fying such notes and other obligations, shall be as defined  
15 in section 502 of the Congressional Budget Act of 1974,  
16 as amended: *Provided further*, That these funds are avail-  
17 able to subsidize the total principal amount of any notes  
18 and other obligations, any part of which is to be guaran-  
19 teed, not to exceed \$17,000,000.

20 NATIVE HAWAIIAN HOUSING BLOCK GRANT

21 For the Native Hawaiian Housing Block Grant pro-  
22 gram, as authorized under title VIII of the Native Amer-  
23 ican Housing Assistance and Self-Determination Act of  
24 1996 (25 U.S.C. 4111 et seq.), \$9,000,000, to remain  
25 available until expended, of which \$300,000 shall be for  
26 training and technical assistance activities.

## 1 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

## 2 ACCOUNT

3 For the cost of guaranteed loans, as authorized by  
4 section 184 of the Housing and Community Development  
5 Act of 1992 (12 U.S.C. 1715z-13a), \$7,450,000, to re-  
6 main available until expended: *Provided*, That such costs,  
7 including the costs of modifying such loans, shall be as  
8 defined in section 502 of the Congressional Budget Act  
9 of 1974: *Provided further*, That these funds are available  
10 to subsidize total loan principal, any part of which is to  
11 be guaranteed, up to \$367,000,000.

## 12 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

## 13 PROGRAM ACCOUNT

14 For the cost of guaranteed loans, as authorized by  
15 section 184A of the Housing and Community Develop-  
16 ment Act of 1992 (12 U.S.C. 1715z-13b), \$1,044,000, to  
17 remain available until expended: *Provided*, That such  
18 costs, including the costs of modifying such loans, shall  
19 be as defined in section 502 of the Congressional Budget  
20 Act of 1974: *Provided further*, That these funds are avail-  
21 able to subsidize total loan principal, any part of which  
22 is to be guaranteed, not to exceed \$41,504,255.

## 1 COMMUNITY PLANNING AND DEVELOPMENT

## 2 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

## 3 (INCLUDING TRANSFER OF FUNDS)

4 For carrying out the Housing Opportunities for Per-  
5 sons with AIDS program, as authorized by the AIDS  
6 Housing Opportunity Act (42 U.S.C. 12901 et seq.),  
7 \$300,100,000, to remain available until September 30,  
8 2009, except that amounts allocated pursuant to section  
9 854(c)(3) of such Act shall remain available until Sep-  
10 tember 30, 2010: *Provided*, That the Secretary shall renew  
11 all expiring contracts for permanent supportive housing  
12 that were funded under section 854(c)(3) of such Act that  
13 meet all program requirements before awarding funds for  
14 new contracts and activities authorized under this section:  
15 *Provided further*, That the Secretary may use not to ex-  
16 ceed \$1,485,000 of the funds under this heading for train-  
17 ing, oversight, and technical assistance activities; and not  
18 to exceed \$1,485,000 may be transferred to the Working  
19 Capital Fund.

## 20 RURAL HOUSING AND ECONOMIC DEVELOPMENT

21 For the Office of Rural Housing and Economic De-  
22 velopment in the Department of Housing and Urban De-  
23 velopment, \$17,000,000, to remain available until ex-  
24 pended, which amount shall be competitively awarded by  
25 September 1, 2008, to Indian tribes, State housing finance  
26 agencies, State community and/or economic development

1 agencies, local rural nonprofits and community develop-  
2 ment corporations to support innovative housing and eco-  
3 nomic development activities in rural areas.

4 COMMUNITY DEVELOPMENT FUND  
5 (INCLUDING TRANSFER OF FUNDS)

6 For assistance to units of State and local govern-  
7 ment, and to other entities, for economic and community  
8 development activities, and for other purposes,  
9 \$3,865,800,000, to remain available until September 30,  
10 2010, unless otherwise specified: *Provided*, That of the  
11 amount provided, \$3,593,430,000 is for carrying out the  
12 community development block grant program under title  
13 I of the Housing and Community Development Act of  
14 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et  
15 seq.): *Provided further*, That unless explicitly provided for  
16 under this heading (except for planning grants provided  
17 in the second paragraph and amounts made available  
18 under the third paragraph), not to exceed 20 percent of  
19 any grant made with funds appropriated under this head-  
20 ing shall be expended for planning and management devel-  
21 opment and administration: *Provided further*, That not to  
22 exceed \$1,570,000 may be transferred to the Working  
23 Capital Fund: *Provided further*, That \$3,000,000 is for  
24 technical assistance as authorized by section 107(b)(4) of  
25 such Act: *Provided further*, That \$62,000,000 shall be for  
26 grants to Indian tribes notwithstanding section 106(a)(1)

1 of such Act, of which, notwithstanding any other provision  
2 of law (including section 305 of this Act), up to  
3 \$3,960,000 may be used for emergencies that constitute  
4 imminent threats to health and safety.

5 Of the amount made available under this heading,  
6 \$179,830,000 shall be available for grants for the Eco-  
7 nomic Development Initiative (EDI) to finance a variety  
8 of targeted economic investments in accordance with the  
9 terms and conditions specified in the explanatory state-  
10 ment accompanying this Act: *Provided*, That the amount  
11 made available for each grant shall be at the level of 98  
12 percent of the corresponding amount cited in said explana-  
13 tory statement: *Provided further*, That none of the funds  
14 provided under this paragraph may be used for program  
15 operations: *Provided further*, That, for fiscal years 2006,  
16 2007, and 2008, no unobligated funds for EDI grants may  
17 be used for any purpose except acquisition, planning, de-  
18 sign, purchase of equipment, revitalization, redevelopment  
19 or construction.

20 Of the amount made available under this heading,  
21 \$25,970,000 shall be available for neighborhood initiatives  
22 that are utilized to improve the conditions of distressed  
23 and blighted areas and neighborhoods, to stimulate invest-  
24 ment, economic diversification, and community revitaliza-  
25 tion in areas with population outmigration or a stagnating

1 or declining economic base, or to determine whether hous-  
2 ing benefits can be integrated more effectively with welfare  
3 reform initiatives: *Provided*, That amounts made available  
4 under this paragraph shall be provided in accordance with  
5 the terms and conditions specified in the explanatory  
6 statement accompanying this Act: *Provided further*, That  
7 the amount made available for each initiative shall be at  
8 the level of 98 percent of the corresponding amount cited  
9 in said explanatory statement.

10 The statement of managers correction referenced in  
11 the second paragraph under this heading in title III of  
12 division A of Public Law 109–115 is deemed to be amend-  
13 ed with respect to item number 846 by striking “Mahonoy  
14 City, Pennsylvania for improvements to West Market  
15 Street” and inserting “Mahanoy City, Pennsylvania for  
16 improvements to Centre Street”.

17 The statement of managers correction referenced in  
18 the second paragraph under this heading in title III of  
19 division A of Public Law 109–115 is deemed to be amend-  
20 ed with respect to item number 250 by striking “for ren-  
21 ovation and construction of a resource center” and insert-  
22 ing “for construction of a homeless shelter”.

23 The statement of managers correction referenced in  
24 the second paragraph under this heading in title III of  
25 division A of Public Law 109–115 is deemed to be amend-

1 ed with respect to item number 713 by striking “for con-  
2 struction of a senior center” and inserting “renovation  
3 and expansion of facilities”.

4 The statement of managers correction referenced in  
5 the second paragraph under this heading in title III of  
6 division A of Public Law 109–115 is deemed to be amend-  
7 ed with respect to item number 844 by striking “Liverpool  
8 Township” and inserting “Liverpool Borough”.

9 The referenced statement of managers under this  
10 heading in title II of division I of Public Law 108–447  
11 is deemed to be amended with respect to item number 36  
12 by striking “respite care facility” and inserting “rehabili-  
13 tative care facility for the developmentally disabled”.

14 The referenced statement of managers under this  
15 heading in title II of division I of Public Law 108–7 is  
16 deemed to be amended with respect to item number 608  
17 by striking “construct” and inserting “purchase and make  
18 improvements to facilities for”.

19 The referenced statement of managers under this  
20 heading in title II of division I of Public Law 108–447  
21 is deemed to be amended with respect to item number 521  
22 by striking “Missouri” and inserting “Metropolitan Statis-  
23 tical Area”.

24 The referenced statement of managers under the  
25 heading “Community Development Fund” in title II of



1 Public Law 108-447 is deemed to be amended with re-  
2 spect to item number 203 by striking "equipment" and  
3 inserting "renovation and construction".

4 The referenced statement of managers under the  
5 heading "Community Development Fund" in title III of  
6 division A of Public Law 109-115 is deemed to be amend-  
7 ed with respect to item number 696 by striking "a Small  
8 Business Development Center" and inserting "for revital-  
9 ization costs at the College of Agriculture Biotechnology  
10 and Natural Resources".

11 The referenced statement of managers under the  
12 heading "Community Development Fund" in title III of  
13 division A of Public Law 109-115 is deemed to be amend-  
14 ed with respect to item number 460 by striking "Maine-  
15 Mawoshen One Country, Two Worlds Project" and insert-  
16 ing "Sharing Maine's Maritime Heritage Project—Con-  
17 struction and access to exhibits".

18 The referenced statement of managers under the  
19 heading "Community Development Fund" in title III of  
20 division A of Public Law 109-115 is deemed to be amend-  
21 ed with respect to item number 914 by striking "the Pas-  
22 time Theatre in Bristol, Rhode Island for building im-  
23 provements" and inserting "the Institute for the Study  
24 and Practice of Nonviolence in Providence, Rhode Island  
25 for building renovations".

1       The referenced statement of managers under the  
2 heading "Community Development Fund" in title III of  
3 division A of Public Law 109-115 is deemed to be amend-  
4 ed with respect to item number 918 by striking "South  
5 Kingstown" and inserting "Washington County".

6       The referenced statement of managers under the  
7 heading "Community Development Fund" in title III of  
8 division A of Public Law 109-115 is deemed to be amend-  
9 ed with respect to item number 624 by striking "for the  
10 construction of a new technology building" and inserting  
11 "for renovations to the Wheeler Community Center".

12       The referenced statement of the managers under this  
13 heading in Public Law 109-115 is deemed to be amended  
14 with respect to item number 1065 by inserting "South"  
15 prior to "Burlington".

16       The referenced statement of managers under the  
17 heading "Community Development Fund" in title III of  
18 division A of Public Law 109-115 is deemed to be amend-  
19 ed with respect to item number 102 by striking "for pres-  
20 ervation of the CA Mining and Mineral Museum" and in-  
21 serting "for planning, design, and construction of the CA  
22 Mining and Mineral Museum" in its place.

23       COMMUNITY DEVELOPMENT LOAN GUARANTEES

24                       PROGRAM ACCOUNT

25       For the cost of guaranteed loans, \$4,500,000, to re-  
26 main available until September 30, 2009, as authorized

1 by section 108 of the Housing and Community Develop-  
2 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such  
3 costs, including the cost of modifying such loans, shall be  
4 as defined in section 502 of the Congressional Budget Act  
5 of 1974: *Provided further*, That these funds are available  
6 to subsidize total loan principal, any part of which is to  
7 be guaranteed, not to exceed \$205,000,000, notwith-  
8 standing any aggregate limitation on outstanding obliga-  
9 tions guaranteed in section 108(k) of the Housing and  
10 Community Development Act of 1974, as amended.

11 BROWNFIELDS REDEVELOPMENT

12 For competitive economic development grants, as au-  
13 thorized by section 108(q) of the Housing and Community  
14 Development Act of 1974, as amended, for Brownfields  
15 redevelopment projects, \$10,000,000, to remain available  
16 until September 30, 2009: *Provided*, That no funds made  
17 available under this heading may be used to establish loan  
18 loss reserves for the section 108 Community Development  
19 Loan Guarantee program.

20 HOME INVESTMENT PARTNERSHIPS PROGRAM

21 (INCLUDING TRANSFER OF FUNDS)

22 For the HOME investment partnerships program, as  
23 authorized under title II of the Cranston-Gonzalez Na-  
24 tional Affordable Housing Act, as amended,  
25 \$1,704,000,000, to remain available until September 30,  
26 2010, of which not to exceed \$3,465,000 may be trans-

1 ferred to the Working Capital Fund: *Provided*, That up  
2 to \$12,500,000 shall be available for technical assistance:  
3 *Provided further*, That of the total amount provided in this  
4 paragraph, up to \$50,000,000 shall be available for hous-  
5 ing counseling under section 106 of the Housing and  
6 Urban Development Act of 1968: *Provided further*, That,  
7 from amounts appropriated or otherwise made available  
8 under this heading, \$10,000,000 may be made available  
9 to promote broader participation in homeownership  
10 through the American Dream Downpayment Initiative, as  
11 such initiative is set forth under section 271 of the Cran-  
12 ston-Gonzalez National Affordable Housing Act (42  
13 U.S.C. 12821).

14 SELF-HELP AND ASSISTED HOMEOWNERSHIP

15 OPPORTUNITY PROGRAM

16 For the Self-Help and Assisted Homeownership Op-  
17 portunity Program, as authorized under section 11 of the  
18 Housing Opportunity Program Extension Act of 1996, as  
19 amended, \$60,000,000, to remain available until Sep-  
20 tember 30, 2010: *Provided*, That of the total amount pro-  
21 vided under this heading, \$26,500,000 shall be made  
22 available to the Self-Help and Assisted Homeownership  
23 Opportunity Program as authorized under section 11 of  
24 the Housing Opportunity Program Extension Act of 1996,  
25 as amended: *Provided further*, That \$33,500,000 shall be  
26 made available for the first four capacity building activi-

1 ties authorized under section 4(a) of the HUD Dem-  
2 onstration Act of 1993 (42 U.S.C. 9816a note), of which  
3 up to \$5,000,000 may be made available for rural capacity  
4 building activities.

5 HOMELESS ASSISTANCE GRANTS

6 (INCLUDING TRANSFER OF FUNDS)

7 For the emergency shelter grants program as author-  
8 ized under subtitle B of title IV of the McKinney-Vento  
9 Homeless Assistance Act, as amended; the supportive  
10 housing program as authorized under subtitle C of title  
11 IV of such Act; the section 8 moderate rehabilitation sin-  
12 gle room occupancy program as authorized under the  
13 United States Housing Act of 1937, as amended, to assist  
14 homeless individuals pursuant to section 441 of the  
15 McKinney-Vento Homeless Assistance Act; and the shelter  
16 plus care program as authorized under subtitle F of title  
17 IV of such Act, \$1,585,990,000, of which \$1,580,990,000  
18 shall remain available until September 30, 2010, and of  
19 which \$5,000,000 shall remain available until expended  
20 for rehabilitation projects with ten-year grant terms: *Pro-*  
21 *vided*, That of the amounts provided, \$25,000,000 shall  
22 be set aside to conduct a demonstration program for the  
23 rapid re-housing of homeless families: *Provided further*,  
24 That of amounts made available in the preceding proviso,  
25 not to exceed \$1,250,000 may be used to conduct an eval-  
26 uation of this demonstration program: *Provided further*,

1 That funding made available for this demonstration pro-  
2 gram shall be used by the Secretary, expressly for the pur-  
3 poses of providing housing and services to homeless fami-  
4 lies in order to evaluate the effectiveness of the rapid re-  
5 housing approach in addressing the needs of homeless  
6 families: *Provided further*, That not less than 30 percent  
7 of funds made available, excluding amounts provided for  
8 renewals under the shelter plus care program, shall be  
9 used for permanent housing for individuals and families:  
10 *Provided further*, That all funds awarded for services shall  
11 be matched by 25 percent in funding by each grantee: *Pro-*  
12 *vided further*, That the Secretary shall renew on an annual  
13 basis expiring contracts or amendments to contracts fund-  
14 ed under the shelter plus care program if the program is  
15 determined to be needed under the applicable continuum  
16 of care and meets appropriate program requirements and  
17 financial standards, as determined by the Secretary: *Pro-*  
18 *vided further*, That all awards of assistance under this  
19 heading shall be required to coordinate and integrate  
20 homeless programs with other mainstream health, social  
21 services, and employment programs for which homeless  
22 populations may be eligible, including Medicaid, State  
23 Children's Health Insurance Program, Temporary Assist-  
24 ance for Needy Families, Food Stamps, and services fund-  
25 ing through the Mental Health and Substance Abuse

1 Block Grant, Workforce Investment Act, and the Welfare-  
2 to-Work grant program: *Provided further*, That up to  
3 \$8,000,000 of the funds appropriated under this heading  
4 shall be available for the national homeless data analysis  
5 project and technical assistance: *Provided further*, That  
6 not to exceed \$2,475,000 of the funds appropriated under  
7 this heading may be transferred to the Working Capital  
8 Fund: *Provided further*, That all balances for Shelter Plus  
9 Care renewals previously funded from the Shelter Plus  
10 Care Renewal account and transferred to this account  
11 shall be available, if recaptured, for Shelter Plus Care re-  
12 newals in fiscal year 2008.

13 HOUSING PROGRAMS

14 HOUSING FOR THE ELDERLY

15 (INCLUDING TRANSFER OF FUNDS)

16 For capital advances, including amendments to cap-  
17 ital advance contracts, for housing for the elderly, as au-  
18 thorized by section 202 of the Housing Act of 1959, as  
19 amended, and for project rental assistance for the elderly  
20 under section 202(c)(2) of such Act, including amend-  
21 ments to contracts for such assistance and renewal of ex-  
22 piring contracts for such assistance for up to a 1-year  
23 term, and for supportive services associated with the hous-  
24 ing, \$735,000,000, to remain available until September  
25 30, 2011, of which up to \$628,850,000 shall be for capital  
26 advance and project-based rental assistance awards: *Pro-*

1 *vided*, That, of the amount provided under this heading,  
2 up to \$60,000,000 shall be for service coordinators and  
3 the continuation of existing congregate service grants for  
4 residents of assisted housing projects, and of which up to  
5 \$24,750,000 shall be for grants under section 202b of the  
6 Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion  
7 of eligible projects under such section to assisted living  
8 or related use and for emergency capital repairs as deter-  
9 mined by the Secretary: *Provided further*, That of the  
10 amount made available under this heading, \$20,000,000  
11 shall be available to the Secretary of Housing and Urban  
12 Development only for making competitive grants to pri-  
13 vate nonprofit organizations and consumer cooperatives  
14 for covering costs of architectural and engineering work,  
15 site control, and other planning relating to the develop-  
16 ment of supportive housing for the elderly that is eligible  
17 for assistance under section 202 of the Housing Act of  
18 1959 (12 U.S.C. 1701q): *Provided further*, That amounts  
19 under this heading shall be available for Real Estate As-  
20 sessment Center inspections and inspection-related activi-  
21 ties associated with section 202 capital advance projects:  
22 *Provided further*, That not to exceed \$1,400,000 of the  
23 total amount made available under this heading may be  
24 transferred to the Working Capital Fund: *Provided fur-*  
25 *ther*, That the Secretary may waive the provisions of sec-



1 tion 202 governing the terms and conditions of project  
2 rental assistance, except that the initial contract term for  
3 such assistance shall not exceed 5 years in duration.

4 HOUSING FOR PERSONS WITH DISABILITIES  
5 (INCLUDING TRANSFER OF FUNDS)

6 For capital advance contracts, including amendments  
7 to capital advance contracts, for supportive housing for  
8 persons with disabilities, as authorized by section 811 of  
9 the Cranston-Gonzalez National Affordable Housing Act  
10 (42 U.S.C. 8013), for project rental assistance for sup-  
11 portive housing for persons with disabilities under section  
12 811(d)(2) of such Act, including amendments to contracts  
13 for such assistance and renewal of expiring contracts for  
14 such assistance for up to a 1-year term, and for supportive  
15 services associated with the housing for persons with dis-  
16 abilities as authorized by section 811(b)(1) of such Act,  
17 and for tenant-based rental assistance contracts entered  
18 into pursuant to section 811 of such Act, \$237,000,000,  
19 to remain available until September 30, 2011: *Provided*,  
20 That not to exceed \$600,000 may be transferred to the  
21 Working Capital Fund: *Provided further*, That, of the  
22 amount provided under this heading \$74,745,000 shall be  
23 for amendments or renewal of tenant-based assistance  
24 contracts entered into prior to fiscal year 2005 (only one  
25 amendment authorized for any such contract): *Provided*  
26 *further*, That all tenant-based assistance made available

1 under this heading shall continue to remain available only  
2 to persons with disabilities: *Provided further*, That the  
3 Secretary may waive the provisions of section 811 gov-  
4 erning the terms and conditions of project rental assist-  
5 ance and tenant-based assistance, except that the initial  
6 contract term for such assistance shall not exceed 5 years  
7 in duration: *Provided further*, That amounts made avail-  
8 able under this heading shall be available for Real Estate  
9 Assessment Center Inspections and inspection-related ac-  
10 tivities associated with section 811 Capital Advance  
11 Projects.

12 OTHER ASSISTED HOUSING PROGRAMS

13 RENTAL HOUSING ASSISTANCE

14 For amendments to contracts under section 101 of  
15 the Housing and Urban Development Act of 1965 (12  
16 U.S.C. 1701s) and section 236(f)(2) of the National  
17 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-in-  
18 sured rental housing projects, \$27,600,000, to remain  
19 available until expended.

20 RENT SUPPLEMENT

21 (RESCISSION)

22 Of the amounts made available under the heading  
23 "Rent Supplement" in Public Law 98-63 for amendments  
24 to contracts under section 101 of the Housing and Urban  
25 Development Act of 1965 (12 U.S.C. 1701s) and section  
26 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-

1) in State-aided, non-insured rental housing projects,  
\$37,600,000 are rescinded.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all un-  
committed balances of excess rental charges as of Sep-  
tember 30, 2007, and any collections made during fiscal  
year 2008 and all subsequent fiscal years, shall be trans-  
ferred to the Flexible Subsidy Fund, as authorized by sec-  
tion 236(g) of the National Housing Act.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National  
Manufactured Housing Construction and Safety Stand-  
ards Act of 1974 (42 U.S.C. 5401 et seq.), up to  
\$16,000,000, to remain available until expended, to be de-  
rived from the Manufactured Housing Fees Trust Fund:  
*Provided*, That not to exceed the total amount appro-  
priated under this heading shall be available from the gen-  
eral fund of the Treasury to the extent necessary to incur  
obligations and make expenditures pending the receipt of  
collections to the Fund pursuant to section 620 of such  
Act: *Provided further*, That the amount made available  
under this heading from the general fund shall be reduced  
as such collections are received during fiscal year 2008  
so as to result in a final fiscal year 2008 appropriation  
from the general fund estimated at not more than \$0 and

1 fees pursuant to such section 620 shall be modified as nec-  
2 essary to ensure such a final fiscal year 2008 appropria-  
3 tion: *Provided further*, That for the dispute resolution and  
4 installation programs, the Secretary of Housing and  
5 Urban Development may assess and collect fees from any  
6 program participant: *Provided further*, That such collec-  
7 tions shall be deposited into the Fund, and the Secretary,  
8 as provided herein, may use such collections, as well as  
9 fees collected under section 620, for necessary expenses  
10 of such Act: *Provided further*, That notwithstanding the  
11 requirements of section 620 of such Act, the Secretary  
12 may carry out responsibilities of the Secretary under such  
13 Act through the use of approved service providers that are  
14 paid directly by the recipients of their services.

15 FEDERAL HOUSING ADMINISTRATION  
16 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT  
17 (INCLUDING TRANSFERS OF FUNDS)

18 During fiscal year 2008, commitments to guarantee  
19 loans to carry out the purposes of section 203(b) of the  
20 National Housing Act, as amended, shall not exceed a loan  
21 principal of \$185,000,000,000.

22 During fiscal year 2008, obligations to make direct  
23 loans to carry out the purposes of section 204(g) of the  
24 National Housing Act, as amended, shall not exceed  
25 \$50,000,000: *Provided*, That the foregoing amount shall  
26 be for loans to nonprofit and governmental entities in con-

1 nection with sales of single family real properties owned  
2 by the Secretary and formerly insured under the Mutual  
3 Mortgage Insurance Fund.

4 For administrative contract expenses, \$77,400,000,  
5 of which not to exceed \$25,550,000 may be transferred  
6 to the Working Capital Fund, and of which up to  
7 \$5,000,000 shall be for education and outreach of FHA  
8 single family loan products: *Provided*, That to the extent  
9 guaranteed loan commitments exceed \$65,500,000,000 on  
10 or before April 1, 2008, an additional \$1,400 for adminis-  
11 trative contract expenses shall be available for each  
12 \$1,000,000 in additional guaranteed loan commitments  
13 (including a pro rata amount for any amount below  
14 \$1,000,000), but in no case shall funds made available by  
15 this proviso exceed \$30,000,000.

16 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT  
17 (INCLUDING TRANSFERS OF FUNDS)

18 For the cost of guaranteed loans, as authorized by  
19 sections 238 and 519 of the National Housing Act (12  
20 U.S.C. 1715z-3 and 1735c), including the cost of loan  
21 guarantee modifications, as that term is defined in section  
22 502 of the Congressional Budget Act of 1974, as amend-  
23 ed, \$8,600,000, to remain available until expended: *Pro-*  
24 *vided*, That commitments to guarantee loans shall not ex-  
25 ceed \$45,000,000,000 in total loan principal, any part of  
26 which is to be guaranteed.

1       Gross obligations for the principal amount of direct  
2   loans, as authorized by sections 204(g), 207(l), 238, and  
3   519(a) of the National Housing Act, shall not exceed  
4   \$50,000,000, of which not to exceed \$30,000,000 shall be  
5   for bridge financing in connection with the sale of multi-  
6   family real properties owned by the Secretary and for-  
7   merly insured under such Act; and of which not to exceed  
8   \$20,000,000 shall be for loans to nonprofit and govern-  
9   mental entities in connection with the sale of single-family  
10   real properties owned by the Secretary and formerly in-  
11   sured under such Act.

12       For administrative contract expenses necessary to  
13   carry out the guaranteed and direct loan programs,  
14   \$78,111,000, of which not to exceed \$15,692,000 may be  
15   transferred to the Working Capital Fund: *Provided*, That  
16   to the extent guaranteed loan commitments exceed  
17   \$8,426,000,000 on or before April 1, 2008, an additional  
18   \$1,980 for administrative contract expenses shall be avail-  
19   able for each \$1,000,000 in additional guaranteed loan  
20   commitments over \$8,426,000,000 (including a pro rata  
21   amount for any increment below \$1,000,000), but in no  
22   case shall funds made available by this proviso exceed  
23   \$14,400,000.

24       For discount sales of multifamily real property under  
25   sections 207(1) or 246 of the National Housing Act (12

1 U.S.C. 1713(l), 1715z-11), section 203 of the Housing  
2 and Community Development Amendments of 1978 (12  
3 U.S.C. 1701z-11), or section 204 of the Departments of  
4 Veterans Affairs and Housing and Urban Development,  
5 and Independent Agencies Appropriations Act, 1997 (12  
6 U.S.C. 1715z-11a), and for discount loan sales under sec-  
7 tion 207(k) of the National Housing Act (12 U.S.C.  
8 1713(k)), section 203(k) of the Housing and Community  
9 Development Amendments of 1978 (12 U.S.C. 1701z-  
10 11(k)), or section 204(a) of the Departments of Veterans  
11 Affairs and Housing and Urban Development, and Inde-  
12 pendent Agencies Act, 1997 (12 U.S.C. 1715z-11a(a)),  
13 \$5,000,000, to remain available until September 30, 2009.

14 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION  
15 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN  
16 GUARANTEE PROGRAM ACCOUNT

17 New commitments to issue guarantees to carry out  
18 the purposes of section 306 of the National Housing Act,  
19 as amended (12 U.S.C. 1721(g)), shall not exceed  
20 \$200,000,000,000, to remain available until September  
21 30, 2009.

22 POLICY DEVELOPMENT AND RESEARCH  
23 RESEARCH AND TECHNOLOGY

24 For contracts, grants, and necessary expenses of pro-  
25 grams of research and studies relating to housing and

1 urban problems, not otherwise provided for, as authorized  
2 by title V of the Housing and Urban Development Act  
3 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying  
4 out the functions of the Secretary of Housing and Urban  
5 Development under section 1(a)(1)(i) of Reorganization  
6 Plan No. 2 of 1968, \$51,440,000, to remain available  
7 until September 30, 2009: *Provided*, That of the total  
8 amount provided under this heading, up to \$5,000,000  
9 shall be for the Partnership for Advancing Technology in  
10 Housing Initiative: *Provided further*, That of the funds  
11 made available under this heading, \$23,000,000 is for  
12 grants pursuant to section 107 of the Housing and Com-  
13 munity Development Act of 1974 (42 U.S.C. 5307): *Pro-*  
14 *vided further*, That activities for the Partnership for Ad-  
15 vancing Technology in Housing Initiative shall be adminis-  
16 tered by the Office of Policy Development and Research.

17 FAIR HOUSING AND EQUAL OPPORTUNITY

18 FAIR HOUSING ACTIVITIES

19 For contracts, grants, and other assistance, not oth-  
20 erwise provided for, as authorized by title VIII of the Civil  
21 Rights Act of 1968, as amended by the Fair Housing  
22 Amendments Act of 1988, and section 561 of the Housing  
23 and Community Development Act of 1987, as amended,  
24 \$50,000,000, to remain available until September 30,  
25 2009, of which \$24,000,000 shall be to carry out activities



1 pursuant to such section 561: *Provided*, That notwith-  
2 standing 31 U.S.C. 3302, the Secretary may assess and  
3 collect fees to cover the costs of the Fair Housing Training  
4 Academy, and may use such funds to provide such train-  
5 ing: *Provided further*, That no funds made available under  
6 this heading shall be used to lobby the executive or legisla-  
7 tive branches of the Federal Government in connection  
8 with a specific contract, grant or loan: *Provided further*,  
9 That of the funds made available under this heading,  
10 \$380,000 shall be available to the Secretary of Housing  
11 and Urban Development for the creation and promotion  
12 of translated materials and other programs that support  
13 the assistance of persons with limited English proficiency  
14 in utilizing the services provided by the Department of  
15 Housing and Urban Development.

16 OFFICE OF LEAD HAZARD CONTROL

17 LEAD HAZARD REDUCTION

18 For the Lead Hazard Reduction Program, as author-  
19 ized by section 1011 of the Residential Lead-Based Paint  
20 Hazard Reduction Act of 1992, \$145,000,000, to remain  
21 available until September 30, 2009, of which \$8,800,000  
22 shall be for the Healthy Homes Initiative, pursuant to sec-  
23 tions 501 and 502 of the Housing and Urban Develop-  
24 ment Act of 1970 that shall include research, studies, test-  
25 ing, and demonstration efforts, including education and

1 outreach concerning lead-based paint poisoning and other  
2 housing-related diseases and hazards: *Provided*, That for  
3 purposes of environmental review, pursuant to the Na-  
4 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
5 et seq.) and other provisions of law that further the pur-  
6 poses of such Act, a grant under the Healthy Homes Ini-  
7 tiative, Operation Lead Elimination Action Plan (LEAP),  
8 or the Lead Technical Studies program under this heading  
9 or under prior appropriations Acts for such purposes  
10 under this heading, shall be considered to be funds for  
11 a special project for purposes of section 305(c) of the Mul-  
12 tifamily Housing Property Disposition Reform Act of  
13 1994: *Provided further*, That of the total amount made  
14 available under this heading, \$48,000,000 shall be made  
15 available on a competitive basis for areas with the highest  
16 lead paint abatement needs: *Provided further*, That each  
17 recipient of funds provided under the second proviso shall  
18 make a matching contribution in an amount not less than  
19 25 percent: *Provided further*, That the Secretary may  
20 waive the matching requirement cited in the preceding  
21 proviso on a case by case basis if the Secretary determines  
22 that such a waiver is necessary to advance the purposes  
23 of this program: *Provided further*, That each applicant  
24 shall submit a detailed plan and strategy that dem-  
25 onstrates adequate capacity that is acceptable to the Sec-

1 retary to carry out the proposed use of funds pursuant  
2 to a notice of funding availability: *Provided further*, That  
3 of the total amount made available under this heading,  
4 \$2,000,000 shall be available for the Big Buy Program  
5 to be managed by the Office of Healthy Homes and Lead  
6 Hazard Control.

7 MANAGEMENT AND ADMINISTRATION

8 WORKING CAPITAL FUND

9 For additional capital for the Working Capital Fund  
10 (42 U.S.C. 3535) for the development of, modifications  
11 to, and infrastructure for Department-wide information  
12 technology systems, for the continuing operation and  
13 maintenance of both Department-wide and program-spe-  
14 cific information systems, and for program-related devel-  
15 opment activities, \$155,000,000, to remain available until  
16 September 30, 2009: *Provided*, That any amounts trans-  
17 ferred to this Fund under this Act shall remain available  
18 until expended: *Provided further*, That any amounts trans-  
19 ferred to this Fund from amounts appropriated by pre-  
20 viously enacted appropriations Acts or from within this  
21 Act may be used only for the purposes specified under this  
22 Fund, in addition to the purposes for which such amounts  
23 were appropriated.

24 OFFICE OF INSPECTOR GENERAL

25 For necessary salaries and expenses of the Office of  
26 Inspector General in carrying out the Inspector General

1 Act of 1978, as amended, \$112,000,000: *Provided*, That  
2 the Inspector General shall have independent authority  
3 over all personnel issues within this office.

4 OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT  
5 SALARIES AND EXPENSES

6 For carrying out the Federal Housing Enterprises  
7 Financial Safety and Soundness Act of 1992, including  
8 not to exceed \$500 for official reception and representa-  
9 tion expenses, \$66,000,000, to remain available until ex-  
10 pended, to be derived from the Federal Housing Enter-  
11 prises Oversight Fund: *Provided*, That the Director shall  
12 submit a spending plan for the amounts provided under  
13 this heading no later than January 15, 2008: *Provided*  
14 *further*, That not less than 80 percent of the total amount  
15 made available under this heading shall be used only for  
16 examination, supervision, and capital oversight of the en-  
17 terprises (as such term is defined in section 1303 of the  
18 Federal Housing Enterprises Financial Safety and Sound-  
19 ness Act of 1992 (12 U.S.C. 4502)) to ensure that the  
20 enterprises are operating in a financially safe and sound  
21 manner and complying with the capital requirements  
22 under Subtitle B of such Act: *Provided further*, That not  
23 to exceed the amount provided herein shall be available  
24 from the general fund of the Treasury to the extent nec-  
25 essary to incur obligations and make expenditures pending

1 the receipt of collections to the Fund: *Provided further*,  
2 That the general fund amount shall be reduced as collec-  
3 tions are received during the fiscal year so as to result  
4 in a final appropriation from the general fund estimated  
5 at not more than \$0.

6 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND  
7 URBAN DEVELOPMENT  
8 (INCLUDING RESCISSION OF FUNDS)

9 SEC. 201. Fifty percent of the amounts of budget au-  
10 thority, or in lieu thereof 50 percent of the cash amounts  
11 associated with such budget authority, that are recaptured  
12 from projects described in section 1012(a) of the Stewart  
13 B. McKinney Homeless Assistance Amendments Act of  
14 1988 (42 U.S.C. 1437 note) shall be rescinded or in the  
15 case of cash, shall be remitted to the Treasury, and such  
16 amounts of budget authority or cash recaptured and not  
17 rescinded or remitted to the Treasury shall be used by  
18 State housing finance agencies or local governments or  
19 local housing agencies with projects approved by the Sec-  
20 retary of Housing and Urban Development for which set-  
21 tlement occurred after January 1, 1992, in accordance  
22 with such section. Notwithstanding the previous sentence,  
23 the Secretary may award up to 15 percent of the budget  
24 authority or cash recaptured and not rescinded or remitted

1 to the Treasury to provide project owners with incentives  
2 to refinance their project at a lower interest rate.

3 SEC. 202. None of the amounts made available under  
4 this Act may be used during fiscal year 2008 to investigate  
5 or prosecute under the Fair Housing Act any otherwise  
6 lawful activity engaged in by one or more persons, includ-  
7 ing the filing or maintaining of a non-frivolous legal ac-  
8 tion, that is engaged in solely for the purpose of achieving  
9 or preventing action by a Government official or entity,  
10 or a court of competent jurisdiction.

11 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)  
12 of the AIDS Housing Opportunity Act (42 U.S.C.  
13 12903(c)(1)(A)), from any amounts made available under  
14 this title for fiscal year 2008 that are allocated under such  
15 section, the Secretary of Housing and Urban Development  
16 shall allocate and make a grant, in the amount determined  
17 under subsection (b), for any State that—

18 (1) received an allocation in a prior fiscal year  
19 under clause (ii) of such section; and

20 (2) is not otherwise eligible for an allocation for  
21 fiscal year 2008 under such clause (ii) because the  
22 areas in the State outside of the metropolitan statis-  
23 tical areas that qualify under clause (i) in fiscal year  
24 2008 do not have the number of cases of acquired

1 immunodeficiency syndrome (AIDS) required under  
2 such clause.

3 (b) The amount of the allocation and grant for any  
4 State described in subsection (a) shall be an amount based  
5 on the cumulative number of AIDS cases in the areas of  
6 that State that are outside of metropolitan statistical  
7 areas that qualify under clause (i) of such section  
8 854(c)(1)(A) in fiscal year 2008, in proportion to AIDS  
9 cases among cities and States that qualify under clauses  
10 (i) and (ii) of such section and States deemed eligible  
11 under subsection (a).

12 (c) Notwithstanding any other provision of law, the  
13 amount allocated for fiscal year 2008 under section 854(c)  
14 of the AIDS Housing Opportunity Act (42 U.S.C.  
15 12903(c)), to the City of New York, New York, on behalf  
16 of the New York-Wayne-White Plains, New York-New  
17 Jersey Metropolitan Division (hereafter "metropolitan di-  
18 vision") of the New York-Newark-Edison, NY-NJ-PA  
19 Metropolitan Statistical Area, shall be adjusted by the  
20 Secretary of Housing and Urban Development by: (1) allo-  
21 cating to the City of Jersey City, New Jersey, the propor-  
22 tion of the metropolitan area's or division's amount that  
23 is based on the number of cases of AIDS reported in the  
24 portion of the metropolitan area or division that is located  
25 in Hudson County, New Jersey, and adjusting for the pro-

1 portion of the metropolitan division's high incidence bonus  
2 if this area in New Jersey also has a higher than average  
3 per capita incidence of AIDS; and (2) allocating to the  
4 City of Paterson, New Jersey, the proportion of the metro-  
5 politan area's or division's amount that is based on the  
6 number of cases of AIDS reported in the portion of the  
7 metropolitan area or division that is located in Bergen  
8 County and Passaic County, New Jersey, and adjusting  
9 for the proportion of the metropolitan division's high inci-  
10 dence bonus if this area in New Jersey also has a higher  
11 than average per capita incidence of AIDS. The recipient  
12 cities shall use amounts allocated under this subsection  
13 to carry out eligible activities under section 855 of the  
14 AIDS Housing Opportunity Act (42 U.S.C. 12904) in  
15 their respective portions of the metropolitan division that  
16 is located in New Jersey.

17 (d) Notwithstanding any other provision of law, the  
18 amount allocated for fiscal year 2008 under section 854(c)  
19 of the AIDS Housing Opportunity Act (42 U.S.C.  
20 12903(c)) to areas with a higher than average per capita  
21 incidence of AIDS, shall be adjusted by the Secretary on  
22 the basis of area incidence reported over a three year pe-  
23 riod.

24 SEC. 204. Except as explicitly provided in law, any  
25 grant, cooperative agreement or other assistance made



1 pursuant to title II of this Act shall be made on a competi-  
2 tive basis and in accordance with section 102 of the De-  
3 partment of Housing and Urban Development Reform Act  
4 of 1989 (42 U.S.C. 3545).

5 SEC. 205. Funds of the Department of Housing and  
6 Urban Development subject to the Government Corpora-  
7 tion Control Act or section 402 of the Housing Act of  
8 1950 shall be available, without regard to the limitations  
9 on administrative expenses, for legal services on a contract  
10 or fee basis, and for utilizing and making payment for  
11 services and facilities of the Federal National Mortgage  
12 Association, Government National Mortgage Association,  
13 Federal Home Loan Mortgage Corporation, Federal Fi-  
14 nancing Bank, Federal Reserve banks or any member  
15 thereof, Federal Home Loan banks, and any insured bank  
16 within the meaning of the Federal Deposit Insurance Cor-  
17 poration Act, as amended (12 U.S.C. 1811-1831).

18 SEC. 206. Unless otherwise provided for in this Act  
19 or through a reprogramming of funds, no part of any ap-  
20 propriation for the Department of Housing and Urban  
21 Development shall be available for any program, project  
22 or activity in excess of amounts set forth in the budget  
23 estimates submitted to Congress.

24 SEC. 207. Corporations and agencies of the Depart-  
25 ment of Housing and Urban Development which are sub-

1 ject to the Government Corporation Control Act, are here-  
2 by authorized to make such expenditures, within the limits  
3 of funds and borrowing authority available to each such  
4 corporation or agency and in accordance with law, and to  
5 make such contracts and commitments without regard to  
6 fiscal year limitations as provided by section 104 of such  
7 Act as may be necessary in carrying out the programs set  
8 forth in the budget for 2008 for such corporation or agen-  
9 cy except as hereinafter provided: *Provided*, That collec-  
10 tions of these corporations and agencies may be used for  
11 new loan or mortgage purchase commitments only to the  
12 extent expressly provided for in this Act (unless such loans  
13 are in support of other forms of assistance provided for  
14 in this or prior appropriations Acts), except that this pro-  
15 viso shall not apply to the mortgage insurance or guaranty  
16 operations of these corporations, or where loans or mort-  
17 gage purchases are necessary to protect the financial in-  
18 terest of the United States Government.

19 SEC. 208. None of the funds provided in this title  
20 for technical assistance, training, or management improve-  
21 ments may be obligated or expended unless the Secretary  
22 of Housing and Urban Development provides to the Com-  
23 mittees on Appropriations a description of each proposed  
24 activity and a detailed budget estimate of the costs associ-  
25 ated with each program, project or activity as part of the

1 Budget Justifications. For fiscal year 2008, the Secretary  
2 shall transmit this information to the Committees by  
3 March 15, 2008 for 30 days of review.

4 SEC. 209. The Secretary of Housing and Urban De-  
5 velopment shall provide quarterly reports to the House  
6 and Senate Committees on Appropriations regarding all  
7 uncommitted, unobligated, recaptured and excess funds in  
8 each program and activity within the jurisdiction of the  
9 Department and shall submit additional, updated budget  
10 information to these Committees upon request.

11 SEC. 210. (a) Notwithstanding any other provision  
12 of law, the amount allocated for fiscal year 2008 under  
13 section 854(c) of the AIDS Housing Opportunity Act (42  
14 U.S.C. 12903(c)), to the City of Wilmington, Delaware,  
15 on behalf of the Wilmington, Delaware-Maryland-New  
16 Jersey Metropolitan Division (hereafter "metropolitan di-  
17 vision"), shall be adjusted by the Secretary of Housing  
18 and Urban Development by allocating to the State of New  
19 Jersey the proportion of the metropolitan division's  
20 amount that is based on the number of cases of AIDS  
21 reported in the portion of the metropolitan division that  
22 is located in New Jersey, and adjusting for the proportion  
23 of the metropolitan division's high incidence bonus if this  
24 area in New Jersey also has a higher than average per  
25 capita incidence of AIDS. The State of New Jersey shall

1 use amounts allocated to the State under this subsection  
2 to carry out eligible activities under section 855 of the  
3 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the  
4 portion of the metropolitan division that is located in New  
5 Jersey.

6 (b) Notwithstanding any other provision of law, the  
7 Secretary of Housing and Urban Development shall allo-  
8 cate to Wake County, North Carolina, the amounts that  
9 otherwise would be allocated for fiscal year 2008 under  
10 section 854(c) of the AIDS Housing Opportunity Act (42  
11 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,  
12 on behalf of the Raleigh-Cary, North Carolina Metropoli-  
13 tan Statistical Area. Any amounts allocated to Wake  
14 County shall be used to carry out eligible activities under  
15 section 855 of such Act (42 U.S.C. 12904) within such  
16 metropolitan statistical area.

17 (c) Notwithstanding section 854(c) of the AIDS  
18 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-  
19 retary of Housing and Urban Development may adjust the  
20 allocation of the amounts that otherwise would be allo-  
21 cated for fiscal year 2008 under section 854(c) of such  
22 Act, upon the written request of an applicant, in conjunc-  
23 tion with the State(s), for a formula allocation on behalf  
24 of a metropolitan statistical area, to designate the State  
25 or States in which the metropolitan statistical area is lo-

1 cated as the eligible grantee(s) of the allocation. In the  
2 case that a metropolitan statistical area involves more  
3 than one State, such amounts allocated to each State shall  
4 be in proportion to the number of cases of AIDS reported  
5 in the portion of the metropolitan statistical area located  
6 in that State. Any amounts allocated to a State under this  
7 section shall be used to carry out eligible activities within  
8 the portion of the metropolitan statistical area located in  
9 that State.

10 SEC. 211. The Secretary of Housing and Urban De-  
11 velopment shall submit an annual report no later than Au-  
12 gust 30, 2008 and annually thereafter to the House and  
13 Senate Committees on Appropriations regarding the num-  
14 ber of Federally assisted units under lease and the per  
15 unit cost of these units to the Department of Housing and  
16 Urban Development.

17 SEC. 212. The President's formal budget request for  
18 fiscal year 2009, as well as the Department of Housing  
19 and Urban Development's congressional budget justifica-  
20 tions to be submitted to the Committees on Appropriations  
21 of the House of Representatives and the Senate, shall use  
22 the identical account and sub-account structure provided  
23 under this Act.

24 SEC. 213. Amounts made available in this Act or pre-  
25 vious appropriations Acts for tenant-based rental assist-

1   ance and used for non-elderly disabled families or for the  
2   Family Unification Program shall, to the extent prac-  
3   ticable, remain available for each such respective purpose  
4   upon turn-over.

5       SEC. 214. A public housing agency or such other enti-  
6   ty that administers Federal housing assistance for the  
7   Housing Authority of the county of Los Angeles, Cali-  
8   fornia, the States of Alaska, Iowa, and Mississippi shall  
9   not be required to include a resident of public housing or  
10   a recipient of assistance provided under section 8 of the  
11   United States Housing Act of 1937 on the board of direc-  
12   tors or a similar governing board of such agency or entity  
13   as required under section (2)(b) of such Act. Each public  
14   housing agency or other entity that administers Federal  
15   housing assistance under section 8 for the Housing Au-  
16   thority of the county of Los Angeles, California and the  
17   States of Alaska, Iowa and Mississippi shall establish an  
18   advisory board of not less than 6 residents of public hous-  
19   ing or recipients of section 8 assistance to provide advice  
20   and comment to the public housing agency or other admin-  
21   istering entity on issues related to public housing and sec-  
22   tion 8. Such advisory board shall meet not less than quar-  
23   terly.

24       SEC. 215. (a) Notwithstanding any other provision  
25   of law, subject to the conditions listed in subsection (b),

1 for fiscal years 2008 and 2009, the Secretary of Housing  
2 and Urban Development may authorize the transfer of  
3 some or all project-based assistance, debt and statutorily  
4 required low-income and very low-income use restrictions,  
5 associated with one or more multifamily housing project  
6 to another multifamily housing project or projects.

7 (b) The transfer authorized in subsection (a) is sub-  
8 ject to the following conditions:

9 (1) the number of low-income and very low-in-  
10 come units and the net dollar amount of Federal as-  
11 sistance provided by the transferring project shall  
12 remain the same in the receiving project or projects;

13 (2) the transferring project shall, as determined  
14 by the Secretary, be either physically obsolete or eco-  
15 nomically non-viable;

16 (3) the receiving project or projects shall meet  
17 or exceed applicable physical standards established  
18 by the Secretary;

19 (4) the owner or mortgagor of the transferring  
20 project shall notify and consult with the tenants re-  
21 siding in the transferring project and provide a cer-  
22 tification of approval by all appropriate local govern-  
23 mental officials;

24 (5) the tenants of the transferring project who  
25 remain eligible for assistance to be provided by the

1 receiving project or projects shall not be required to  
2 vacate their units in the transferring project or  
3 projects until new units in the receiving project are  
4 available for occupancy;

5 (6) the Secretary determines that this transfer  
6 is in the best interest of the tenants;

7 (7) if either the transferring project or the re-  
8 ceiving project or projects meets the condition speci-  
9 fied in subsection (c)(2)(A), any lien on the receiving  
10 project resulting from additional financing obtained  
11 by the owner shall be subordinate to any FHA-in-  
12 sured mortgage lien transferred to, or placed on,  
13 such project by the Secretary;

14 (8) if the transferring project meets the re-  
15 quirements of subsection (c)(2)(E), the owner or  
16 mortgagor of the receiving project or projects shall  
17 execute and record either a continuation of the exist-  
18 ing use agreement or a new use agreement for the  
19 project where, in either case, any use restrictions in  
20 such agreement are of no lesser duration than the  
21 existing use restrictions;

22 (9) any financial risk to the FHA General and  
23 Special Risk Insurance Fund, as determined by the  
24 Secretary, would be reduced as a result of a transfer  
25 completed under this section; and



1           (10) the Secretary determines that Federal li-  
2           ability with regard to this project will not be in-  
3           creased.

4           (c) For purposes of this section—

5           (1) the terms “low-income” and “very low-in-  
6           come” shall have the meanings provided by the stat-  
7           ute and/or regulations governing the program under  
8           which the project is insured or assisted;

9           (2) the term “multifamily housing project”  
10          means housing that meets one of the following con-  
11          ditions—

12                (A) housing that is subject to a mortgage  
13                insured under the National Housing Act;

14                (B) housing that has project-based assist-  
15                ance attached to the structure including  
16                projects undergoing mark to market debt re-  
17                structuring under the Multifamily Assisted  
18                Housing Reform and Affordability Housing Act;

19                (C) housing that is assisted under section  
20                202 of the Housing Act of 1959 as amended by  
21                section 801 of the Cranston-Gonzales National  
22                Affordable Housing Act;

23                (D) housing that is assisted under section  
24                202 of the Housing Act of 1959, as such sec-  
25                tion existed before the enactment of the Cran-

1           ston-Gonzales National Affordable Housing Act;  
2           or

3           (E) housing or vacant land that is subject  
4           to a use agreement;

5           (3) the term “project-based assistance”  
6           means—

7           (A) assistance provided under section 8(b)  
8           of the United States Housing Act of 1937;

9           (B) assistance for housing constructed or  
10           substantially rehabilitated pursuant to assist-  
11           ance provided under section 8(b)(2) of such Act  
12           (as such section existed immediately before Oc-  
13           tober 1, 1983);

14           (C) rent supplement payments under sec-  
15           tion 101 of the Housing and Urban Develop-  
16           ment Act of 1965;

17           (D) interest reduction payments under sec-  
18           tion 236 and/or additional assistance payments  
19           under section 236(f)(2) of the National Hous-  
20           ing Act; and

21           (E) assistance payments made under sec-  
22           tion 202(c)(2) of the Housing Act of 1959;

23           (4) the term “receiving project or projects”  
24           means the multifamily housing project or projects to  
25           which some or all of the project-based assistance,

1 debt, and statutorily required use low-income and  
2 very low-income restrictions are to be transferred;

3 (5) the term "transferring project" means the  
4 multifamily housing project which is transferring  
5 some or all of the project-based assistance, debt and  
6 the statutorily required low-income and very low-in-  
7 come use restrictions to the receiving project or  
8 projects; and

9 (6) the term "Secretary" means the Secretary  
10 of Housing and Urban Development.

11 SEC. 216. The funds made available for Native Alas-  
12 kans under the heading "Native American Housing Block  
13 Grants" in title III of this Act shall be allocated to the  
14 same Native Alaskan housing block grant recipients that  
15 received funds in fiscal year 2005.

16 SEC. 217. No funds provided under this title may be  
17 used for an audit of the Government National Mortgage  
18 Association that makes applicable requirements under the  
19 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)

20 SEC. 218. (a) No assistance shall be provided under  
21 section 8 of the United States Housing Act of 1937 (42  
22 U.S.C. 1437f) to any individual who—

23 (1) is enrolled as a student at an institution of  
24 higher education (as defined under section 102 of

1 the Higher Education Act of 1965 (20 U.S.C.  
2 1002));

3 (2) is under 24 years of age;

4 (3) is not a veteran;

5 (4) is unmarried;

6 (5) does not have a dependent child;

7 (6) is not a person with disabilities, as such  
8 term is defined in section 3(b)(3)(E) of the United  
9 States Housing Act of 1937 (42 U.S.C.  
10 1437a(b)(3)(E)) and was not receiving assistance  
11 under such section 8 as of November 30, 2005; and

12 (7) is not otherwise individually eligible, or has  
13 parents who, individually or jointly, are not eligible,  
14 to receive assistance under section 8 of the United  
15 States Housing Act of 1937 (42 U.S.C. 1437f).

16 (b) For purposes of determining the eligibility of a  
17 person to receive assistance under section 8 of the United  
18 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-  
19 cial assistance (in excess of amounts received for tuition)  
20 that an individual receives under the Higher Education  
21 Act of 1965 (20 U.S.C. 1001 et seq.), from private  
22 sources, or an institution of higher education (as defined  
23 under the Higher Education Act of 1965 (20 U.S.C.  
24 1002)), shall be considered income to that individual, ex-

1 cept for a person over the age of 23 with dependent chil-  
2 dren.

3 (c) Not later than 30 days after the date of enact-  
4 ment of this Act, the Secretary of Housing and Urban  
5 Development shall issue final regulations to carry out the  
6 provisions of this section.

7 SEC. 219. Notwithstanding the limitation in the first  
8 sentence of section 255(g) of the National Housing Act  
9 (12 U.S.C. 1715z-20(g)), the Secretary of Housing and  
10 Urban Development may, until September 30, 2008, in-  
11 sure and enter into commitments to insure mortgages  
12 under section 255 of the National Housing Act (12 U.S.C.  
13 1715z-20).

14 SEC. 220. Notwithstanding any other provision of  
15 law, in fiscal year 2008, in managing and disposing of any  
16 multifamily property that is owned or has a mortgage held  
17 by the Secretary of Housing and Urban Development, the  
18 Secretary shall maintain any rental assistance payments  
19 under section 8 of the United States Housing Act of 1937  
20 and other programs that are attached to any dwelling  
21 units in the property. To the extent the Secretary deter-  
22 mines, in consultation with the tenants and the local gov-  
23 ernment, that such a multifamily property owned or held  
24 by the Secretary is not feasible for continued rental assist-  
25 ance payments under such section 8 or other programs,

1 based on consideration of (1) the costs of rehabilitating  
2 and operating the property and all available Federal,  
3 State, and local resources, including rent adjustments  
4 under section 524 of the Multifamily Assisted Housing  
5 Reform and Affordability Act of 1997 (“MAHRAA”) and  
6 (2) environmental conditions that cannot be remedied in  
7 a cost-effective fashion, the Secretary may, in consultation  
8 with the tenants of that property, contract for project-  
9 based rental assistance payments with an owner or owners  
10 of other existing housing properties, or provide other rent-  
11 al assistance. The Secretary shall also take appropriate  
12 steps to ensure that project-based contracts remain in ef-  
13 fect prior to foreclosure, subject to the exercise of contrac-  
14 tual abatement remedies to assist relocation of tenants for  
15 imminent major threats to health and safety. After dis-  
16 position of any multifamily property described under this  
17 section, the contract and allowable rent levels on such  
18 properties shall be subject to the requirements under sec-  
19 tion 524 of MAHRAA.

20 SEC. 221. The National Housing Act is amended—

21 (1) in sections 207(c)(3), 213(b)(2)(B)(i),  
22 221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B),  
23 and 234(e)(3)(B) (12 U.S.C. 1713(c)(3),  
24 1715e(b)(2)(B)(i), 1715l(d)(3)(ii)(II),

1       1715l(d)(4)(ii)(II),       1715v(c)(2)(B),       and  
2       1715y(e)(3)(B))—

3               (A) by striking “140 percent” each place  
4               such term appears and inserting “170 percent”;  
5               and

6               (B) by striking “170 percent in high cost  
7               areas” each place such term appears and in-  
8               serting “215 percent in high cost areas”; and

9               (2) in section 220(d)(3)(B)(iii)(III) (12 U.S.C.  
10       1715k(d)(3)(B)(iii)(III)) by striking “206A” and all  
11       that follows through “project-by-project basis” and  
12       inserting the following: “206A of this Act) by not to  
13       exceed 170 percent in any geographical area where  
14       the Secretary finds that cost levels so require and by  
15       not to exceed 170 percent, or 215 percent in high  
16       cost areas, where the Secretary determines it nec-  
17       essary on a project-by-project basis”.

18       SEC. 222. (a) During fiscal year 2008, in the provi-  
19       sion of rental assistance under section 8(o) of the United  
20       States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-  
21       nection with a program to demonstrate the economy and  
22       effectiveness of providing such assistance for use in as-  
23       sisted living facilities that is carried out in the counties  
24       of the State of Michigan notwithstanding paragraphs (3)  
25       and (18)(B)(iii) of such section 8(o), a family residing in

1 an assisted living facility in any such county, on behalf  
2 of which a public housing agency provides assistance pur-  
3 suant to section 8(o)(18) of such Act, may be required,  
4 at the time the family initially receives such assistance,  
5 to pay rent in an amount exceeding 40 percent of the  
6 monthly adjusted income of the family by such a percent-  
7 age or amount as the Secretary of Housing and Urban  
8 Development determines to be appropriate.

9 SEC. 223. Notwithstanding any other provision of  
10 law, the recipient of a grant under section 202b of the  
11 Housing Act of 1959 (12 U.S.C. 1701q-2) after Decem-  
12 ber 26, 2000, in accordance with the unnumbered para-  
13 graph at the end of section 202(b) of such Act, may, at  
14 its option, establish a single-asset nonprofit entity to own  
15 the project and may lend the grant funds to such entity,  
16 which may be a private nonprofit organization described  
17 in section 831 of the American Homeownership and Eco-  
18 nomic Opportunity Act of 2000.

19 SEC. 224. Section 24 of the United States Housing  
20 Act of 1937 (42 U.S.C. 1437v) is amended—

21 (1) in subsection (m)(1), by striking “2003”  
22 and inserting “2008”; and

23 (2) in subsection (o), by striking “September  
24 30, 2007” and inserting “September 30, 2008”.



1        SEC. 225. Public housing agencies that own and oper-  
2        ate 400 or fewer public housing units may elect to be ex-  
3        empt from any asset management requirement imposed by  
4        the Secretary of Housing and Urban Development in con-  
5        nection with the operating fund rule: *Provided*, That an  
6        agency seeking a discontinuance of a reduction of subsidy  
7        under the operating fund formula shall not be exempt  
8        from asset management requirements.

9        SEC. 226. With respect to the use of amounts pro-  
10       vided in this Act and in future Acts for the operation, cap-  
11       ital improvement and management of public housing as  
12       authorized by sections 9(d) and 9(e) of the United States  
13       Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the  
14       Secretary shall not impose any requirement or guideline  
15       relating to asset management that restricts or limits in  
16       any way the use of capital funds for central office costs  
17       pursuant to section 9(g)(1) or 9(g)(2) of the United States  
18       Housing Act of 1937 (42 U.S.C. 1437g(g)(1),(2)): *Pro-*  
19       *vided*, however, that a public housing agency may not use  
20       capital funds authorized under section 9(d) for activities  
21       that are eligible under section 9(e) for assistance with  
22       amounts from the operating fund in excess of the amounts  
23       permitted under sections 9(g)(1) or 9(g)(2).

24       SEC. 227. The Secretary of Housing and Urban De-  
25       velopment shall report quarterly to the House of Rep-

1 representatives and Senate Committees on Appropriations on  
2 the status of all section 8 project-based housing, including  
3 the number of all project-based units by region as well  
4 as an analysis of all federally subsidized housing being re-  
5 financed under the Mark-to-Market program. The Sec-  
6 retary shall in the report identify all existing units main-  
7 tained by region as section 8 project-based units and all  
8 project-based units that have opted out of section 8 or  
9 have otherwise been eliminated as section 8 project-based  
10 units. The Secretary shall identify in detail and by project  
11 all the efforts made by the Department to preserve all sec-  
12 tion 8 project-based housing units and all the reasons for  
13 any units which opted out or otherwise were lost as section  
14 8 project-based units. Such analysis shall include a review  
15 of the impact of the loss of any subsidized units in that  
16 housing marketplace, such as the impact of cost and the  
17 loss of available subsidized, low-income housing in areas  
18 with scarce housing resources for low-income families.

19 SEC. 228. The Secretary of Housing and Urban De-  
20 velopment shall report quarterly to the House of Rep-  
21 resentatives and Senate Committees on Appropriations on  
22 HUD's use of all sole source contracts, including terms  
23 of the contracts, cost and a substantive rationale for using  
24 a sole source contract.

1       SEC. 229. Section 9(e)(2)(C) of the United States  
2 Housing Act of 1937 (42 U.S.C. 1437g(e)(2)(C)) is  
3 amended by adding at the end of the following:

4                   “(iv) EXISTING CONTRACTS.—The  
5                   term of a contract described in clause (i)  
6                   that, as of the date of enactment of this  
7                   clause, is in repayment and has a term of  
8                   not more than 12 years, may be extended  
9                   to a term of not more than 20 years to  
10                  permit additional energy conservation im-  
11                  provements without requiring the re-  
12                  procurement of energy performance con-  
13                  tractors.”.

14       SEC. 230. The Secretary of Housing and Urban De-  
15 velopment shall increase, pursuant to this section, the  
16 number of Moving-to-Work agencies authorized under sec-  
17 tion 204, title II, of the Departments of Veterans Affairs  
18 and Housing and Urban Development and Independent  
19 Agencies Appropriations Act, 1996 (Public Law 104-134;  
20 110 Stat. 1321-281) by making individually the Alaska  
21 Housing Finance Corporation and the housing authorities  
22 of the counties of San Bernardino and Santa Clara and  
23 the city of San Jose, California a Moving-to-Work Agency  
24 under such section 204.

1       SEC. 231. Notwithstanding any other provision of  
2 law, the Secretary of Housing and Urban Development  
3 may not rescind or take any adverse action with respect  
4 to the Moving-to-Work program designation for the Hous-  
5 ing Authority of Baltimore City based on any alleged ad-  
6 ministrative or procedural errors in making such designa-  
7 tion.

8       SEC. 232. Paragraph (4) of section 102(a) of the  
9 Housing and Community Development Act of 1974 (42  
10 U.S.C. 5302) is amended by adding at the end the fol-  
11 lowing new sentence: "Notwithstanding any other provi-  
12 sion of this paragraph, with respect to any fiscal year be-  
13 ginning after September 30, 2007, the cities of Alton and  
14 Granite City, Illinois, shall be considered metropolitan cit-  
15 ies for purposes of this title."

16       SEC. 233. (a) The amounts provided under the sub-  
17 heading "Program Account" under the heading "Commu-  
18 nity Development Loan Guarantees" may be used to guar-  
19 antee, or make commitments to guarantee, notes or other  
20 obligations issued by any State on behalf of non-entitle-  
21 ment communities in the State in accordance with the re-  
22 quirements of section 108 of the Housing and Community  
23 Development Act of 1974: *Provided*, That, any State re-  
24 ceiving such a guarantee or commitment shall distribute  
25 all funds subject to such guarantee to the units of general

1 local government in non-entitlement areas that received  
2 the commitment.

3 (b) Not later than 60 days after the date of enact-  
4 ment of this Act, the Secretary of Housing and Urban  
5 Development shall promulgate regulations governing the  
6 administration of the funds described under subsection  
7 (a).

8 SEC. 234. Not later than 30 days after the date of  
9 enactment of this Act, the Secretary of Housing and  
10 Urban Development shall establish and maintain on the  
11 homepage of the Internet website of the Department of  
12 Housing and Urban Development—

13 (1) a direct link to the Internet website of the  
14 Office of Inspector General of the Department of  
15 Housing and Urban Development; and

16 (2) a mechanism by which individuals may  
17 anonymously report cases of waste, fraud, or abuse  
18 with respect to the Department of Housing and  
19 Urban Development.

20 SEC. 235. (a) REQUIRED SUBMISSIONS FOR FISCAL  
21 YEARS 2007 AND 2008.—

22 (1) IN GENERAL.—Not later than 60 days after  
23 the date of enactment of this Act, the Secretary of  
24 Housing and Urban Development shall submit to the  
25 relevant authorizing committees and to the Commit-

1       tees on Appropriations of the Senate and the House  
2       of Representatives for fiscal year 2007 and 2008—

3               (A) a complete and accurate accounting of  
4       the actual project-based renewal costs for  
5       project-based assistance under section 8 of the  
6       United States Housing Act of 1937 (42 U.S.C.  
7       1437f);

8               (B) revised estimates of the funding need-  
9       ed to fully fund all 12 months of all project-  
10      based contracts under such section 8, including  
11      project-based contracts that expire in fiscal year  
12      2007 and fiscal year 2008; and

13              (C) all sources of funding that will be used  
14      to fully fund all 12 months of the project-based  
15      contracts for fiscal years 2007 and 2008.

16              (2) UPDATED INFORMATION.—At any time  
17      after the expiration of the 60-day period described  
18      in paragraph (1), the Secretary may submit correc-  
19      tions or updates to the information required under  
20      paragraph (1), if upon completion of an audit of the  
21      project-based assistance program under section 8 of  
22      the United States Housing Act of 1937 (42 U.S.C.  
23      1437f), such audit reveals additional information  
24      that may provide Congress a more complete under-  
25      standing of the Secretary's implementation of the

1 project-based assistance program under such section  
2 8.

3 (b) REQUIRED SUBMISSIONS FOR FISCAL YEAR  
4 2009.—As part of the Department of Housing and Urban  
5 Development's budget request for fiscal year 2009, the  
6 Secretary of Housing and Urban Development shall sub-  
7 mit to the relevant authorizing committees and to the  
8 Committees on Appropriations of the Senate and the  
9 House of Representatives complete and detailed informa-  
10 tion, including a project-by-project analysis, that verifies  
11 that such budget request will fully fund all project-based  
12 contracts under section 8 of the United States Housing  
13 Act of 1937 (42 U.S.C. 1437f) in fiscal year 2009, includ-  
14 ing expiring project-based contracts.

15 SEC. 236. No official or employee of the Department  
16 of Housing and Urban Development shall be designated  
17 as an allotment holder unless the Office of the Chief Fi-  
18 nancial Officer has determined that such allotment holder  
19 has implemented an adequate system of funds control and  
20 has received training in funds control procedures and di-  
21 rectives. The Chief Financial Officer shall ensure that, not  
22 later than ninety days after the date of enactment of this  
23 Act, a trained allotment holder shall be designated for  
24 each HUD sub-account under the headings "Executive Di-  
25 rection" and "Administration, Operations, and Manage-

1 ment" as well as each account receiving appropriations for  
2 "personnel compensation and benefits" within the Depart-  
3 ment of Housing and Urban Development.

4 SEC. 237. Payment of attorney fees in program-re-  
5 lated litigation must be paid from individual program of-  
6 fice personnel benefits and compensation funding. The an-  
7 nual budget submission for program office personnel ben-  
8 efit and compensation funding must include program-re-  
9 lated litigation costs for attorney fees as a separate line  
10 item request.

11 SEC. 238. Of the unobligated balances remaining  
12 from funds appropriated to the Department of Housing  
13 and Urban Development under the heading "Tenant-  
14 Based Rental Assistance" under section 21033 of Public  
15 Law 110-5, ~~\$723,257,184~~ are rescinded from the  
16 \$4,193,000,000 which became available pursuant to such  
17 section on October 1, 2007.

18 This title may be cited as the "Department of Hous-  
19 ing and Urban Development Appropriations Act, 2008".

\$723,257,000



160

## 1 TITLE III

## 2 RELATED AGENCIES

## 3 ARCHITECTURAL AND TRANSPORTATION BARRIERS

## 4 COMPLIANCE BOARD

## 5 SALARIES AND EXPENSES

6 For expenses necessary for the Architectural and  
7 Transportation Barriers Compliance Board, as authorized  
8 by section 502 of the Rehabilitation Act of 1973, as  
9 amended, \$6,150,000: *Provided*, That, notwithstanding  
10 any other provision of law, there may be credited to this  
11 appropriation funds received for publications and training  
12 expenses.

## 13 FEDERAL MARITIME COMMISSION

## 14 SALARIES AND EXPENSES

15 For necessary expenses of the Federal Maritime  
16 Commission as authorized by section 201(d) of the Mer-  
17 chant Marine Act, 1936 (46 U.S.C. App. 1111), including  
18 services as authorized by 5 U.S.C. 3109; hire of passenger  
19 motor vehicles as authorized by 31 U.S.C. 1343(b); and  
20 uniforms or allowances therefore, as authorized by 5  
21 U.S.C. 5901-5902, \$22,072,000: *Provided*, That not to  
22 exceed \$2,000 shall be available for official reception and  
23 representation expenses.

## 1 NATIONAL TRANSPORTATION SAFETY BOARD

## 2 SALARIES AND EXPENSES.

3 For necessary expenses of the National Transpor-  
4 tation Safety Board, including hire of passenger motor ve-  
5 hicles and aircraft; services as authorized by 5 U.S.C.  
6 3109, but at rates for individuals not to exceed the per  
7 diem rate equivalent to the rate for a GS-15; uniforms,  
8 or allowances therefor, as authorized by law (5 U.S.C.  
9 5901-5902) \$84,499,000, of which \$74,063 is available  
10 for payments to remedy the violation of the Anti-deficiency  
11 Act reported by the National Transportation Safety Board  
12 on September 26, 2007, and not to exceed \$2,000 may  
13 be used for official reception and representation expenses.  
14 The amounts made available to the National Transpor-  
15 tation Safety Board in this Act include amounts necessary  
16 to make lease payments due in fiscal year 2008 only, on  
17 an obligation incurred in fiscal year 2001 for a capital  
18 lease.

## 19 NEIGHBORHOOD REINVESTMENT CORPORATION

## 20 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

## 21 CORPORATION

22 For payment to the Neighborhood Reinvestment Cor-  
23 poration for use in neighborhood reinvestment activities,  
24 as authorized by the Neighborhood Reinvestment Corpora-  
25 tion Act (42 U.S.C. 8101-8107), \$119,800,000, of which

1 \$5,000,000 shall be for a multi-family rental housing pro-  
2 gram.

3 For an additional amount, \$180,000,000 shall be  
4 made available until expended to the Neighborhood Rein-  
5 vestment Corporation for mortgage foreclosure mitigation  
6 activities, under the following terms and conditions:

7 (1) The Neighborhood Reinvestment Corpora-  
8 tion ("NRC"), shall make grants to counseling inter-  
9 mediaries approved by the Department of Housing  
10 and Urban Development (HUD) or the NRC (with  
11 match to be determined by the NRC based on af-  
12 fordability and the economic conditions of an area;  
13 a match also may be waived by the NRC based on  
14 the aforementioned conditions) to provide mortgage  
15 foreclosure mitigation assistance primarily to states  
16 and areas with high rates of defaults and fore-  
17 closures primarily in the sub prime housing market  
18 to help eliminate the default and foreclosure of  
19 mortgages of owner-occupied single-family homes  
20 that are at risk of such foreclosure. Other than  
21 areas with high rates of defaults and foreclosures,  
22 grants may also be provided to approved counseling  
23 intermediaries based on a geographic analysis of the  
24 Nation by the NRC which determines where there is  
25 a prevalence of sub prime mortgages that are risky

1       and likely to fail, including any trends for mortgages  
2       that are likely to default and face foreclosure. A  
3       State Housing Finance Agency may also be eligible  
4       where the State Housing Finance Agency meets all  
5       the requirements under this paragraph. A HUD- or  
6       NRC-approved counseling intermediary shall meet  
7       certain mortgage foreclosure mitigation assistance  
8       counseling requirements, as determined by the NRC,  
9       and shall be approved by HUD or the NRC as meet-  
10      ing these requirements;

11       (2) Mortgage foreclosure mitigation assistance  
12      shall only be made available to homeowners of  
13      owner-occupied homes with mortgages in default or  
14      in danger of default. These mortgages shall likely be  
15      subject to a foreclosure action and homeowners will  
16      be provided such assistance that shall consist of ac-  
17      tivities that are likely to prevent foreclosures and re-  
18      sult in the long-term affordability of the mortgage  
19      retained pursuant to such activity or another posi-  
20      tive outcome for the homeowner. No funds made  
21      available under this paragraph may be provided di-  
22      rectly to lenders or homeowners to discharge out-  
23      standing mortgage balances or for any other direct  
24      debt reduction payments;

1           (3) The use of Mortgage Foreclosure Mitigation  
2 Assistance by approved counseling intermediaries  
3 and State Housing Finance Agencies shall involve a  
4 reasonable analysis of the borrower's financial situa-  
5 tion, an evaluation of the current value of the prop-  
6 erty that is subject to the mortgage, counseling re-  
7 garding the assumption of the mortgage by another  
8 non-federal party, counseling regarding the possible  
9 purchase of the mortgage by a non-federal third  
10 party, counseling and advice of all likely restruc-  
11 turing and refinancing strategies or the approval of  
12 a work-out strategy by all interested parties;

13           (4) NRC shall award \$50,000,000 in mortgage  
14 foreclosure mitigation grants for States and areas  
15 with the greatest needs within 60 days of enactment.  
16 Additional funds may be awarded once the NRC cer-  
17 tifies that HUD- or NRC-approved counseling inter-  
18 mediaries and State Housing Finance Agencies have  
19 the need for additional funds in states and areas  
20 with high rates of mortgage foreclosures, defaults, or  
21 related activities and the expertise to use these  
22 funds effectively. The NRC may provide up to fif-  
23 teen percent of the total funds under this paragraph  
24 to its own charter members with expertise in fore-  
25 closure prevention counseling, subject to a certifi-

1 cation by the NRC that the procedures for selection  
2 do not consist of any procedures or activities that  
3 could be construed as an unacceptable conflict of in-  
4 terest or have the appearance of impropriety;

5 (5) NRC- or HUD-approved counseling entities  
6 and State Housing Finance Agencies receiving funds  
7 under this paragraph shall have demonstrated expe-  
8 rience in successfully working with financial institu-  
9 tions as well as borrowers facing default, delin-  
10 quency and foreclosure as well as documented coun-  
11 seling capacity, outreach capacity, past successful  
12 performance and positive outcomes with documented  
13 counseling plans (including post mortgage fore-  
14 closure mitigation counseling), loan workout agree-  
15 ments and loan modification agreements;

16 (6) Of the total amount made available under  
17 this paragraph, up to \$5,000,000 may be made  
18 available to build the mortgage foreclosure and de-  
19 fault mitigation counseling capacity of counseling  
20 intermediaries through NRC training courses with  
21 HUD- or NRC-approved counseling intermediaries  
22 and their partners, except that private financial in-  
23 stitutions that participate in NRC training shall pay  
24 market rates for such training;

1           (7) Of the total amount made available under  
2 this paragraph, up to 4 percent may be used for as-  
3 sociated administrative expenses for the NRC to  
4 carry-out activities provided under this section;

5           (8) Mortgage foreclosure mitigation assistance  
6 may include a budget for outreach and advertising,  
7 as determined by the NRC; and

8           (9) The NRC shall report bi-annually to the  
9 House and Senate Committees on Appropriations as  
10 well as the Senate Banking Committee and House  
11 Financial Services Committee on its efforts to miti-  
12 gate mortgage default. Such reports shall identify  
13 successful strategies and methods for preserving  
14 homeownership and the long-term affordability of at-  
15 risk mortgages and shall include recommended ef-  
16 forts that will or likely can assist in the success of  
17 this program as well as an analysis of any policy and  
18 procedures that failed to result in successful mort-  
19 gage foreclosure mitigation. The report shall include  
20 an analysis of the details and use of any post mitiga-  
21 tion counseling of assisted borrowers designed to en-  
22 sure the continued long-term affordability of the  
23 mortgages which were the subject of the mortgage  
24 foreclosure mitigation assistance.

1           UNITED STATES INTERAGENCY COUNCIL ON  
2                           HOMELESSNESS  
3                           OPERATING EXPENSES

4       For necessary expenses (including payment of sala-  
5 ries, authorized travel, hire of passenger motor vehicles,  
6 the rental of conference rooms, and the employment of ex-  
7 perts and consultants under section 3109 of title 5, United  
8 States Code) of the United States Interagency Council on  
9 Homelessness in carrying out the functions pursuant to  
10 title II of the McKinney-Vento Homeless Assistance Act,  
11 as amended, \$2,150,000.

12       Title II of the McKinney-Vento Homeless Assistance  
13 Act, as amended, is amended in section 209 by striking  
14 "2007" and inserting "2008".

15                           TITLE IV  
16           GENERAL PROVISIONS THIS ACT  
17                           (INCLUDING TRANSFERS OF FUNDS)

18       SEC. 401. Such sums as may be necessary for fiscal  
19 year 2008 pay raises for programs funded in this Act shall  
20 be absorbed within the levels appropriated in this Act or  
21 previous appropriations Acts.

22       SEC. 402. None of the funds in this Act shall be used  
23 for the planning or execution of any program to pay the  
24 expenses of, or otherwise compensate, non-Federal parties



1 intervening in regulatory or adjudicatory proceedings  
2 funded in this Act.

3 SEC. 403. None of the funds appropriated in this Act  
4 shall remain available for obligation beyond the current  
5 fiscal year, nor may any be transferred to other appropria-  
6 tions, unless expressly so provided herein.

7 SEC. 404. The expenditure of any appropriation  
8 under this Act for any consulting service through procure-  
9 ment contract pursuant to section 3109 of title 5, United  
10 States Code, shall be limited to those contracts where such  
11 expenditures are a matter of public record and available  
12 for public inspection, except where otherwise provided  
13 under existing law, or under existing Executive order  
14 issued pursuant to existing law.

15 SEC. 405. Except as otherwise provided in this Act,  
16 none of the funds provided in this Act, provided by pre-  
17 vious appropriations Acts to the agencies or entities fund-  
18 ed in this Act that remain available for obligation or ex-  
19 penditure in fiscal year 2008, or provided from any ac-  
20 counts in the Treasury derived by the collection of fees  
21 and available to the agencies funded by this Act, shall be  
22 available for obligation or expenditure through a re-  
23 programming of funds that: (1) creates a new program;  
24 (2) eliminates a program, project, or activity; (3) increases  
25 funds or personnel for any program, project, or activity

1 for which funds have been denied or restricted by the Con-  
2 gress; (4) proposes to use funds directed for a specific ac-  
3 tivity by either the House or Senate Committees on Ap-  
4 propriations for a different purpose; (5) augments existing  
5 programs, projects, or activities in excess of \$5,000,000  
6 or 10 percent, whichever is less; (6) reduces existing pro-  
7 grams, projects, or activities by \$5,000,000 or 10 percent,  
8 whichever is less; or (7) creates, reorganizes, or restruc-  
9 tures a branch, division, office, bureau, board, commis-  
10 sion, agency, administration, or department different from  
11 the budget justifications submitted to the Committees on  
12 Appropriations or the table accompanying the explanatory  
13 statement accompanying this Act, whichever is more de-  
14 tailed, unless prior approval is received from the House  
15 and Senate Committees on Appropriations: *Provided*, That  
16 not later than 60 days after the date of enactment of this  
17 Act, each agency funded by this Act shall submit a report  
18 to the Committees on Appropriations of the Senate and  
19 of the House of Representatives to establish the baseline  
20 for application of reprogramming and transfer authorities  
21 for the current fiscal year: *Provided further*, That the re-  
22 port shall include: (1) a table for each appropriation with  
23 a separate column to display the President's budget re-  
24 quest, adjustments made by Congress, adjustments due to  
25 enacted rescissions, if appropriate, and the fiscal year en-

1 acted level; (2) a delineation in the table for each appro-  
2 priation both by object class and program, project, and  
3 activity as detailed in the budget appendix for the respec-  
4 tive appropriation; and (3) an identification of items of  
5 special congressional interest: *Provided further*, That the  
6 amount appropriated or limited for salaries and expenses  
7 for an agency shall be reduced by \$100,000 per day for  
8 each day after the required date that the report has not  
9 been submitted to the Congress.

10 SEC. 406. Except as otherwise specifically provided  
11 by law, not to exceed 50 percent of unobligated balances  
12 remaining available at the end of fiscal year 2008 from  
13 appropriations made available for salaries and expenses  
14 for fiscal year 2008 in this Act, shall remain available  
15 through September 30, 2009, for each such account for  
16 the purposes authorized: *Provided*, That a request shall  
17 be submitted to the Committees on Appropriations for ap-  
18 proval prior to the expenditure of such funds: *Provided*  
19 *further*, That these requests shall be made in compliance  
20 with reprogramming guidelines.

21 SEC. 407. All Federal agencies and departments that  
22 are funded under this Act shall issue a report to the House  
23 and Senate Committees on Appropriations on all sole  
24 source contracts by no later than July 31, 2008. Such re-

1 port shall include the contractor, the amount of the con-  
2 tract and the rationale for using a sole source contract.

3 SEC. 408. (a) None of the funds made available in  
4 this Act may be obligated or expended for any employee  
5 training that—

6 (1) does not meet identified needs for knowl-  
7 edge, skills, and abilities bearing directly upon the  
8 performance of official duties;

9 (2) contains elements likely to induce high lev-  
10 els of emotional response or psychological stress in  
11 some participants;

12 (3) does not require prior employee notification  
13 of the content and methods to be used in the train-  
14 ing and written end of course evaluation;

15 (4) contains any methods or content associated  
16 with religious or quasi-religious belief systems or  
17 “new age” belief systems as defined in Equal Em-  
18 ployment Opportunity Commission Notice N-  
19 915.022, dated September 2, 1988; or

20 (5) is offensive to, or designed to change, par-  
21 ticipants’ personal values or lifestyle outside the  
22 workplace.

23 (b) Nothing in this section shall prohibit, restrict, or  
24 otherwise preclude an agency from conducting training  
25 bearing directly upon the performance of official duties.

1       SEC. 409. None of the funds made available in this  
2 Act may be used to provide homeownership assistance for  
3 applicants described in 274A(h)(3) of the Immigration  
4 and Nationality Act (8 U.S.C. 1324a(h)(3)).

5       SEC. 410. None of the funds in this Act may be used  
6 to employ workers described in section 274A(h)(3) of the  
7 Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

8       SEC. 411. No funds in this Act may be used to sup-  
9 port any Federal, State, or local projects that seek to use  
10 the power of eminent domain, unless eminent domain is  
11 employed only for a public use: *Provided*, That for pur-  
12 poses of this section, public use shall not be construed to  
13 include economic development that primarily benefits pri-  
14 vate entities: *Provided further*, That any use of funds for  
15 mass transit, railroad, airport, seaport or highway projects  
16 as well as utility projects which benefit or serve the gen-  
17 eral public (including energy-related, communication-re-  
18 lated, water-related and wastewater-related infrastruc-  
19 ture), other structures designated for use by the general  
20 public or which have other common-carrier or public-util-  
21 ity functions that serve the general public and are subject  
22 to regulation and oversight by the government, and  
23 projects for the removal of an immediate threat to public  
24 health and safety or brownfields as defined in the Small  
25 Business Liability Relief and Brownfields Revitalization

1 Act (Public Law 107-118) shall be considered a public  
2 use for purposes of eminent domain.

3 SEC. 412. None of the funds made available in this  
4 Act may be transferred to any department, agency, or in-  
5 strumentality of the United States Government, except  
6 pursuant to a transfer made by, or transfer authority pro-  
7 vided in, this Act or any other appropriations Act.

8 SEC. 413. No part of any appropriation contained in  
9 this Act shall be available to pay the salary for any person  
10 filling a position, other than a temporary position, for-  
11 merly held by an employee who has left to enter the Armed  
12 Forces of the United States and has satisfactorily com-  
13 pleted his period of active military or naval service, and  
14 has within 90 days after his release from such service or  
15 from hospitalization continuing after discharge for a pe-  
16 riod of not more than 1 year, made application for restora-  
17 tion to his former position and has been certified by the  
18 Office of Personnel Management as still qualified to per-  
19 form the duties of his former position and has not been  
20 restored thereto.

21 SEC. 414. No funds appropriated pursuant to this  
22 Act may be expended by an entity unless the entity agrees  
23 that in expending the assistance the entity will comply  
24 with sections 2 through 4 of the Act of March 3, 1933

1 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-  
2 ican Act”).

3 SEC. 415. No funds appropriated or otherwise made  
4 available under this Act shall be made available to any  
5 person or entity that has been convicted of violating the  
6 Buy American Act (41 U.S.C. 10a–10c).

7 This division may be cited as the “Transportation,  
8 Housing and Urban Development, and Related Agencies  
9 Appropriations Act, 2008”.